

# MINUTES

# County of Inyo Board of Supervisors

January 12, 2016

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:35 a.m., Tuesday, January 12, 2016, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Jeff Griffiths, presiding, Dan Totheroh, Rick Pucci, Jeff Griffiths, Mark Tillemans and Matt Kingsley.

- 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 8:35 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 -ANTICIPATED LITIGATION [Pursuant to Government Code §54956.9(d)(4)]** – discussion with legal counsel regarding potential initiation of litigation (two cases.), County Counsel noted that only one case would be discussed and pulled the second case; No. 3. **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); No. 4. **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, Information Services Director, Brandon Shults, County Counsel Marshall Rudolph, and Assistant County Counsel John Vallejo; 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, Information Services Director, Brandon Shults, County Counsel Marshall Rudolph, and Assistant County Counsel John Vallejo; and 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, Information Services Director, Brandon Shults, County Counsel Marshall Rudolph, and Assistant County Counsel John Vallejo.
- Recess/  
Reconvene      The Chairperson recessed closed session at 10:00 a.m., to reconvene in open session at 10:10 a.m., with all Board Members present.
- Pledge      The County Administrator, Kevin Carunchio, led the Pledge of Allegiance.
- Report on Closed  
Session      County Counsel reported that there were no items discussed in closed session, which were required by law to be reported on in open session.
- Public Comment      The Chairperson announced the second public comment period and there was no one wishing to address the Board.
- County Department  
Reports      The Chairperson announced the County Department Report period. Assistant County Administrator, Rick Benson, informed the Board that the surplus vehicle sale auction was being conducted this week and the website for this auction is publicsplus.com. Dr. Bob Harrington, Water Director, informed the Board that the bids for the Tecopa Water Vending Machine Project have been received and the low bid exceeded the engineers estimate.

He said that his staff had written and submitted a supplemental grant application for the additional \$89,000 to complete the project. He said that as a statement to the importance of this project, the State Water Resources Control Board had worked throughout the holidays and approved the grant for the additional funding. The Assessor, Dave Stottlemyre, reported on results of a survey he conducted in which 61 hours of his staff time was spent helping 570 taxpayers. He also reported that the Philips Factor for 2016-17 is 5.2258% which is slightly lower than last year and the CPI Index is 1.525%. He advised the Board that there is a decline in mobile home values in the County.

Introductions

The following were introduced to the Board (a) the Chairperson introduced Marshall Rudolph, County Counsel; (b) County Counsel introduced John Vallejo, Assistant County Counsel; and (c) the Assistant Health and Human Services Director introduced, Starla Shunkwiler, Office Clerk, and James Allmon, Office Technician in the HHS Department.

County Counsel/  
ESTA Legal  
Services Contract

Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to approve the Agreement Regarding Legal Services to be Provided by the Inyo County Counsel's Office to the Eastern Sierra Transit Authority (ESTA); and authorize the Chairperson to sign. Motion carried unanimously.

P.W./Carb  
Compliant Water  
Truck Purchase

Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to approve the purchase of one 2009, CARB compliant, Peterbuilt water truck from LKQ Heavy Truck-Acme, in the amount of \$97,865 including sales tax, freight, DMV and documentation fees. Motion carried unanimously.

P.W./Amerigas  
Contract  
Amendment Two

Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to approve Amendment No. 2 to the Contract between the County of Inyo and Amerigas of Bishop for propane services, increasing the Contract by \$3,100 to a total not to exceed \$606,998, for the period of September 1, 2013 through June 30, 2016; and authorize the Chairperson to sign. Motion carried unanimously.

BofS/Committee  
Assignments

The Chairperson presented his recommendations for this year's Board of Supervisors committee assignments. The Board discussed the recommendations, with Supervisor Tillemans asking about the need to have the Chairperson on the Standing Committee. The Chairperson explained that he had recommended Supervisors Pucci and Kingsley be reappointed in order to maintain legislative memory of the issues addressed by the Committee.

Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to approve the 2016 Board of Supervisors committee assignments as recommended by Chairperson Supervisor Jeff Griffiths, excluding, the Great Basin Air Pollution Control District Board, the BLM Steering Committee, Mental Health Advisory Board, the LAFCO and the Child Care Planning Council, which will, for the purposes of Form 806 reporting, be confirmed through individual separate motions. Motion carried unanimously.

Supervisor Totheroh recused himself. Moved by Supervisor Kingsley and seconded by Supervisor Pucci to appoint Supervisor Totheroh to the Mental Health Advisory Board. Motion carried unanimously, with Supervisors Griffiths, Pucci, Tillemans and Kingsley voting yes and with Supervisor Totheroh absent.

Supervisor Griffiths recused himself. Moved by Supervisor Pucci and seconded by Supervisor Totheroh to appoint Supervisor Griffiths to the Great Basin Air Pollution Control District Board, and the Local Agency Formation Commission. Motion carried unanimously, with Supervisors Totheroh, Pucci, Tillemans and Kingsley voting yes and with Supervisor Griffiths absent.

Supervisor Pucci recused himself. Moved by Supervisor Tillemans and seconded by Supervisor Kingsley to appoint Supervisor Pucci to the Great Basin Unified Air Pollution Control District Board and the Local Agency Formation Commission. Motion carried unanimously, with Supervisors Totheroh, Griffiths, Tillemans and Kingsley voting yes, and with Supervisor Pucci absent.

Supervisor Tillemans recused himself. Moved by Supervisor Totheroh and seconded by Supervisor Kingsley to appoint Supervisor Tillemans to the Child Care Planning Council and the Local Agency Formation Commission. Motion carried unanimously, with Supervisors Totheroh, Griffiths, Pucci and Kingsley voting yes and with Supervisor Tillemans absent.

Supervisor Kingsley recused himself. Moved by Supervisor Tillemans and seconded by Supervisor Pucci to appoint Supervisor Kingsley to the BLM Steering Committee, and the Great Basin Unified Air Pollution Control District Board. Motion carried unanimously, with Supervisors Totheroh, Griffiths, Pucci and Tillemans voting yes and with Supervisor Kingsley absent.

Planning/Draft Tribal Consultation Policy Workshop The Board convened in the fourth in a series of workshops regarding the Draft Tribal Consultation Policy at 10:40 a.m. The Chairperson recessed the workshop at 11:50 a.m., to reconvene in open session at 11:58 a.m., with all Board Members present.

Ag Comm/Comment on DWP Draft Habitat Conservation Plan The Agricultural Commissioner, Nate Reade, provided additional information and further justification for the recommendation to send a letter commenting on the DWP Draft Habitat Conservation Plan (HCP). Mr. Reade explained that he has recently learned that the Board sent a comment letter on the HCP in October of 2015 and in light of that letter he is requesting the Board consider sending a supplement letter providing additional comments as identified by the Agricultural Resource Advisory Board. He reviewed the letter and Mr. Gary Giacomini, Committee Member provided further explanation on the Committee's concerns. The Board discussed the letter including strengthening the language concerning adaptive management; to not provide specific pre-established dates for transitions; to note that the County is providing additional comments on the HCP; and clarifying language concerning weed management. Moved by Supervisor Totheroh and seconded by Supervisor Pucci to approve a letter to the U.S. Fish and Wildlife Service outlining concerns identified by the Inyo County Agricultural Resource Advisory Board regarding the Los Angeles Department of Water and Power Draft Habitat Conservation Plan (HCP); as amended per today's discussion; and authorize the Chairperson to sign. Motion carried unanimously.

Fish and Game/ Comment on Regulation Changes Re Closure of Fisheries Because of Drought Supervisor Pucci briefly explained that he believes the County should comment on the proposed Fish and Game Regulation change concerning the closure of fisheries as a result of drought conditions. He said he believes it is important to let the Commission know how important the fisheries are to the economic well being of the County. Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to approve the letter to the California Fish and Game Commission commenting on its proposal to make permanent the emergency regulations set forth in Section 8.01, Title 14, CCR, which provide a process for the Commission to quickly respond to temporarily close fisheries experiencing degraded environmental drought conditions that may affect fish populations or their habitat within waters of the State; and authorize the Chairperson to sign. Motion carried unanimously.

P.W./Hiring Request Air Port Technician 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 an Airport Technician position comes from the Public Works budget, as certified by the Public Works Director and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates meet the qualification 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 Airport Technician I at Range 54 (\$3,057 - \$3,693). Motion carried unanimously.

P.W./Strip and Refinish Flooring Contract Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to A) award and approve the Contract for the Inyo County Strip and Refinish Flooring Services to ServiceMaster of IWC, for the period of December 14, 2015 through June 30, 2016, with two one year options to renew through June 2018, in the amount of \$15,826, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained; and B) authorize the Public Works Director to sign all other Contract documents, including change orders, to the extent permitted pursuant to Section 20142 of the Public Contract Code and other applicable law. Motion carried unanimously.

Planning/SCE EERLF Policy Senior Planner, Cathreen Richards provided an in depth review of the Southern California Edison Energy Efficiency Revolving Loan Fund (EERLF) Policy. The Board and staff discussed the Policy in detail and at length, including that the seed funding cannot be from County sources; set the minimum amount needed at \$172,000; and recognize that tracking the detail of this program is beyond staff resources; Moved by Supervisor Totheroh and seconded by Supervisor Pucci to consider implementing the SCE EERLF Policy only if Seed Funding can be secured from outside sources, in a minimum amount of \$172,000 with the Policy to be returned for further consideration should the requirements be met. Motion carried unanimously.

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| Board Members and Staff Reports | The Board Members reported on their activities during the preceding week, including an announcement that the City of Bishop has named Ted Stec as the Chief of Police. The County Administrator announced that his son August Foster Carunchio was born Thursday morning. The County Administrator also updated the Board on the County's Sesquicentennial celebrations, saying that he has met with the Big Pine Civic Club and the Bishop Lions Club. Marshal Rudolph, County Counsel informed the Board that he would be traveling to Sacramento on Thursday to attend a County Counsel Association's Board of Director's meeting, explaining that he is a Board of Director. Mr. Rudolph also provided additional clarification on the ESTA Legal Services Agreement which the Board took action on earlier in the day. He said that it is permissible to have Supervisor Griffiths, who was the Chairperson of ESTA and is the Chairperson of the Board of Supervisors to sign both sides of the Agreement. |
| Recess/<br>Reconvene            | The Chairperson recessed open session at 12:45 p.m., to reconvene in closed session at 1:15 p.m., with all Board Members present.  |
| Closed Session                  | The Board met in closed session to continue discussions and action as appropriate on previously noted closed session items. The Chairperson recessed closed session at 2:50 p.m., to reconvene in open session with all Board Members present.   |
| Report on Closed Session        | County Counsel reported there were no items discussed in closed session that are required by law to be reported on in open session.  |
| Adjournment                     | The Chairperson adjourned the regular meeting at 2:50 p.m., to 8:30 a.m., Tuesday, January 19, 2016, 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*