

MINUTES

County of Inyo Board of Supervisors

February 2, 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., on February 2, 2016, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Jeff Griffiths, presiding, Dan Totheroh, Rick Pucci, 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 – 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. 3. **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.); and No. 4. **CONFERENCE WITH LABOR NEGOTIATORS [Pursuant to Government Code §54957.6]** – Employee Organizations: Deputy Sheriff's Association (DSA); Elected Officials Assistant Association (EOAA); Inyo County Correctional Officers Association (ICCOA); Inyo County Employees Association (ICEA); Inyo County Peace Officers Association (ICPPOA); Law Enforcement Administrators' Association (LEAA). Unrepresented employees: all. Agency designated representatives: 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 Supervisor Dan Totheroh led the Pledge of Allegiance.
- Report on Closed
Session County Counsel reported that there were no actions taken in closed session that are required by law to be reported on.
- Public Comment The Chairperson announced the public comment period. Lynn Greer, owner of June Lake Junction addressed the Board about the increased weights and measures fees, asking that in the future when there are fee increases that the users of the services be informed in advance of the fee increases taking effect.
- County Department
Reports The Chairperson announced the County Department Report period. Kammi Foote, Clerk-Recorder, updated the Board on AB 1734 which is legislation sponsored by her and being carried by Assemblyman Obernolte and Assemblyman Mathias, which should correct the disparity between the California requirements for mining claims reporting and what the BLM requires. Nate Reade, Agricultural Commissioner, thanked Ms. Greer for her comments and said that in the future when fees in his department are being increased he will notify the public. Mr. Reade went on to update the Board on the status of mosquito abatement and the Zika virus. Brandon Shults, Information Services Director, provided an update on the Information Technology Initiative Policy. He reported on several instances where the departments are not complying with the policy with regards to purchasing tablet computers. He told the Board that Information Services does not support tablet computers, explaining why and providing a couple of examples, like personal password access and security, inability to secure confidential data that may be on tablets, like HIPPA information, and that Information Services does not have sufficient personnel to accommodate and support the wide variety of programs utilized by the numerous variety of tablets

that are available. The County Administrator addressed the situation saying he was concerned about departments that are intentionally circumventing the IT process, saying that future requests to purchase these devices will not be approved. The CAO suggested and the Board agreed to conduct a workshop with Mr. Shults regarding Information Services projects and priorities.

- Introductions Rae Hunter, Social Worker, and Taylor Burson, Office Clerk, was introduced to the Board.
- Clerk/PFA Contract Microfilm Conversion Moved by Supervisor Tillemans and seconded by Supervisor Pucci to award to and approve the Contract between the County of Inyo and PFA, Inc., for the Microfilm Conversion Project, for the period of January 1, 2016 through June 30, 2016, in an amount not to exceed \$7,000, and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
- P.W./Blizzard Fire Protection Contract Fire Suppression Equipment Maintenance Services Moved by Supervisor Tillemans and seconded by Supervisor Pucci to approve the Contract between the County of Inyo and Blizzard Fire Protection, for fire suppression equipment maintenance services, for the period of January 19, 2016 through January 18, 2019, with two one year options to renew through January 28, 2021, at the rate of \$925 per year, plus a one time hydro inspection at the Bishop Airport in the amount of \$760, for a total Contract amount not to exceed \$3,535; authorize the Chairperson to sign; and 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.
- P.W./Whitney Portal USFS Highway Easement Moved by Supervisor Tillemans and seconded by Supervisor Pucci to accept and approve the Highway Easement Deed from the USFS for the Whitney Portal Road Federal Lands Access Project, and authorize County Counsel's preparation of a statement of legal sufficiency and provide a copy to the Clerk of the Board for the Board's files. Motion carried unanimously.
- Resol. 2016-05/ Waive Disposal Fees Lower Owens River Cleanup On a motion by Supervisor Tillemans and a second by Supervisor Pucci, Resolution No. 2016-05 that waives solid waste disposal and gate fees up to \$100 for the disposal of trash and litter removed at the Lower Owens River Clean-Up event, Saturday, February 6, 2016 and Sunday, February 7, 2016, was approved: motion unanimously passed and adopted.
- Treasurer/Treasury Investment Policy The Treasurer-Tax Collector, Alisha McMurtrie, reviewed the Inyo County Treasury Investment Policy, explaining the changes she is recommending be made to the Policy, which were including a section identifying the *Duties of the Treasury Oversight Committee, a section titled Disaster/Business Continuity Plan – Banking and Investment Functions*, and on page 3, the last paragraph inserting after ...authorize the Assistant County Treasurer the following "*or duly authorized designee.*" Marshall Rudolph, County Counsel, suggested an alternative for the designee language as follows "*or a duly designated and legally eligible employee of the Treasurer's Office.*" Danielle Sexton, Chairperson of the Treasury Oversight Committee, addressed the Board to express the Committee's support of the policy with the recommended changes. Moved by Supervisor Kingsley and seconded by Supervisor Tothoroh to approve the Inyo County Treasury Investment Policy as submitted and amended to include section on the Treasury Oversight Committee, the Disaster/Business Continuity Plan, and designee language as stated by County Counsel. Motion carried unanimously.
- Resol. #2016-06/ Delegating Investment Authority On a motion by Supervisor Pucci and a second by Supervisor Tothoroh, Resolution No. 3026-06, titled "A Resolution of the Board of Supervisors of the County of Inyo Delegating to the Inyo County Treasurer its Investment Authority Pursuant to Section 53607 of the Government Code," was approved: motion unanimously passed and adopted.
- Recess/ Reconvene The Chairperson recessed the regular meeting at 10:55 a.m., to reconvene in open session at 11:05 a.m., with all Board Members present.
- Ag Comm./Seasonal Field Assistant Positions Request Moved by Supervisor Kingsley and seconded by Supervisor Pucci to find that consistent with the Authorized Position Review Policy: A) the availability of funding for Seasonal Field Assistant positions exists in the Owens Valley Mosquito Abatement Program budget, as certified by the Agricultural Commissioner and concurred with by the County Administrator and Auditor-Controller; B) where, due seasonal nature of the positions, it is unlikely that the positions could be filled by internal candidates meeting the qualifications for the position, therefore an open recruitment is more appropriate to ensure qualified applicants apply; and C) approve the hiring of three Seasonal Field Assistants I at Range 050PT (\$14.75 - \$17.91), beginning April 1 and working through October 1, contingent upon the Board's adoption of future budgets. Motion carried unanimously.

Ag Comm./Supervising Ag Inspector Biologist Position Request	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 a Supervising Agricultural Inspector Biologist position comes from the General Fund as certified by the Agricultural Commissioner and concurred with by the County Administrator and Auditor-Controller; B) where, due to the type of position, it is unlikely that the position could be filled by internal candidates meeting the qualifications for the position, therefore an open recruitment is more appropriate to ensure qualified applicants apply; and C) approve the hiring of one Supervising Agricultural Inspector Biologist, at Range 78 (\$5,097 - \$6,195). Motion carried unanimously.
Clerk-Recorder/Office Clerk Position Request	Kammi Foote, Clerk-Recorder, provided additional information and further justification for the request to delete a B-Par Office Clerk position and add a full-time Office Clerk Position in her office. The Board, Ms. Foote, and staff discussed the proposed staffing change, including the impact of this change on the Department's budget and the SIP savings calculations. Moved by Supervisor Totheroh and seconded by Supervisor Tillemans to A) change the authorized strength in the Clerk-Recorder's Office by adding one full-time Office Clerk I-III Series at Ranges 48-52 (\$2,633 - \$3,414) and, upon filling the full-time position, deleting one B-Par Office Clerk II position at Range 50PT (\$14.75/hr. - \$17.91/hr.) and B) find that consistent with the Authorized Position Review Policy: 1) the availability of funding for an Office Clerk II position would need to be appropriated through a General Fund Budget Amendment during the Mid-Year Budget Review process; 2) where internal candidates meet the qualifications for the position of Office Clerk, the position could be filled through an internal recruitment, however, an open recruitment is more appropriate since this is a full-time, fully benefitted entry-level position; and 3) approve the hiring of one Office Clerk II at Range 50 (\$2,749 - \$3,343). Motion carried unanimously.
Ord. 1199/Z.R. 2015-01/Magnificat	On a motion by Supervisor Kingsley and a second by Supervisor Tillemans, Ordinance 1199, titled "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Approving Zone Reclassification No. 2015-01/Magnificat Ventures and Amending the Zoning Map of the County of Inyo by Rezoning a 17-acre Parcel Located at 881 E. Old Spanish Trail Highway (APN 048-514-33) in the Community of Charleston View From Open space with Forty-Acre Minimum (OS-40) to Highway Services and Tourist Commercial (C2)," was enacted: motion unanimously passed and adopted.
P.W./Disabilities Act Transition Plan Contract	Moved by Supervisor Tillemans and seconded by Supervisor Totheroh to approve the Agreement between the County of Inyo and Disability Access Consultants for access consulting services to complete an Americans with Disabilities Act Transition Plan Update, for the period of February 2, 2016 through June 30, 2016, in an amount not to exceed \$36,900; and authorize the Chairperson to sign. Motion carried unanimously.
Planning/DRECP Programmatic Agreement	The Planning Director, Josh Hart, reviewed the Programmatic Agreement for Phase I of the Desert Renewable Energy Conservation Plan (DRECP) with the Board. Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to approve the Programmatic Agreement for Phase I of the DRECP; and authorize the Chairperson to sign. Motion carried unanimously.
Emerg. Serv./D.V. Roadeater Emergency Terminated	The County Administrator explained that the conditions on the ground for the Death Valley Roadeater emergency no longer exceed the County's resources and he recommended that the emergency be terminated. Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to terminate the local emergency known as 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 Tillemans and seconded by Supervisor Totheroh 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 Terminated	The County Administrator explained that conditions on the ground for the Canyon Crusher Emergency no longer go beyond the County's resources and he recommended that the emergency be terminated. Moved by Supervisor Tillemans and seconded by Supervisor Kingsley to terminate the local emergency known as 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 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.
Emerg. Serv./D.V. Down But Not Out Emergency Continued	Moved by Supervisor Pucci and seconded by Supervisor Kingsley 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, as recommended by the County Administrator. Motion carried unanimously.
BofS/Minute Approval	Moved by Supervisor Tillemans and seconded by Supervisor Totheroh to approve the minutes of the Board of Supervisors Meeting of January 19, 2016. Motion carried unanimously.
Recess/Reconvene	The Chairperson recessed the regular meeting at 12:00 p.m., to reconvene in closed session at 12:40 p.m., with all Board Members present.
Closed Session	The Board met in closed session to continue discussions and take action as appropriate on previously noted closed session items. The Chairperson recessed closed session at 1:05 p.m., to reconvene in open session at 1:10 p.m., with all Board Members present.
Report on Closed Session	County Counsel reported there were not actions taken in closed session that are required by law to be reported on in open session.
Water/Instructions to Standing Committee Representatives	Dr. Bob Harrington, Water Director, informed the Board that the agenda for the upcoming February 8, 2016 Inyo County/Los Angeles Standing Committee Meeting has not yet been drafted. He said that the backup documentation that was provided for today's discussion is in regards to items expected to be on that agenda. He went on to discuss each of the items with the Board in detail and at length. The Board heard from the following members of the audience: Jim Yannotta, DWP Aqueduct Manager, who said that with regard to DWP's letter asking the Board of Supervisors to support a Standing Committee motion to pre-approve reductions to irrigation water supplies and enhancement/mitigation projects that may be determined by the Technical Group, he was not attempting to circumvent the provisions of the Long Term Water Agreement (LTWA). He said he was only wanting to look at addressing possible drought water shortages in the Valley earlier than last year; Daris Moxley, Bishop Resident, who did not support DWP's recommendations with regard to pre-approving water reductions; William Talbot, who talked about the water going to the ranchers; Ben Holgate, Independence Resident, who said he wanted DWP to complete the land releases that are identified in the LTWA; Harry Williams, Bishop Area Resident, who expressed concerns that the LTWA is not being enforced; Sally Manning, Big Pine Paiute Tribe Environmental Director, who expressed concern that the agenda for the meeting is not published yet the Board is discussing items and that more information is needed regarding drought impacts this year before a decision can be rendered on reductions; Nancy Masters representing the Owens Valley Committee, who also expressed concerns with making a decision on reductions to irrigation without knowing the status of the drought conditions in the Valley for this year; and Mike Prather, Lone Pine Resident and Inyo County Water Commissioner, who referred to a 5-29 letter regarding adopting a general policy for pumping for dust mitigation on Owens Lake. The Board, staff, and members of the audience continued to discuss potential agenda items for the upcoming Standing Committee meeting. The Board concurred with staff's recommendations concerning potential items on the Agenda for the February 8, 2016 Inyo County/Los Angeles Standing Committee Meeting scheduled to take place in Independence, including a request from LADWP received on January 28, 2016, <i>(included with but not addressed in the staff report)</i> requesting that the Board consider supporting a Standing Committee motion to pre-approve reductions to irrigation water supplies and enhancement/mitigation projects that may be determined by the Technical Group.
Public Comment	The Chairperson announced the public comment period. Craig Patten urged the Board and DWP to include Southern California Edison in discussions concerning irrigation because they are a stakeholder in the issue because of their management of water flows on higher elevations of Bishop Creek.
Recess/Reconvene	The Chairperson recessed the regular meeting at 3:05 p.m., to reconvene in open session at 3:10 p.m., with all Board Members present.

Board Members and Staff Reports The Board Members reported on their activities during the preceding week, including Southern Inyo Airport Advisory Committee Meeting, notification of a Great Basin Unified Air Pollution Control Board Meeting in April to discuss the SIP, a City/County Liaison Meeting, a Bishop Tribal Council Meeting, a Northern Inyo Airport Advisory Committee Meeting, an ESTA Meeting, a Big Pine Civic Club Meeting, and a Big Pine American Legion Meeting. The County Administrator reminded the Board Members who want to attend the employee Dodger/Giants baseball game to get their rsvps into Kelley Williams today.

Adjourned The Chairperson adjourned the regular meeting at 3:20 p.m., to 8:30 a.m., Tuesday, February 9, 2016, 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