

# Agenda

## County of Inyo Board of Supervisors

Board of Supervisors Room  
County Administrative Center  
224 North Edwards  
Independence, California

All members of the public are encouraged to participate in the discussion of any items on the Agenda. Anyone wishing to speak, please obtain a card from the Board Clerk and indicate each item you would like to discuss. Return the completed card to the Board Clerk before the Board considers the item (s) upon which you wish to speak. You will be allowed to speak about each item before the Board takes action on it.

Any member of the public may also make comments during the scheduled "Public Comment" period on this agenda concerning any subject related to the Board of Supervisors or County Government. No card needs to be submitted in order to speak during the "Public Comment" period.

**Public Notices:** (1) In Compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting please contact the Clerk of the Board at (760) 878-0373. (28 CFR 35.102-35.104 ADA Title II). Notification 48 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting. Should you because of a disability require appropriate alternative formatting of this agenda, please notify the Clerk of the Board 72 hours prior to the meeting to enable the County to make the agenda available in a reasonable alternative format. (Government Code Section 54954.2). (2) If a writing, that is a public record relating to an agenda item for an open session of a regular meeting of the Board of Supervisors, is distributed less than 72 hours prior to the meeting, the writing shall be available for public inspection at the Office of the Clerk of the Board of Supervisors, 224 N. Edwards, Independence, California and is available per Government Code § 54957.5(b)(1).

**Note:** Historically the Board does break for lunch, the timing of a lunch break is made at the discretion of the Chairperson and at the Board's convenience.

### **December 8, 2015**

**8:30 a.m. 1. PUBLIC COMMENT**

#### **CLOSED SESSION**

2. **CONFERENCE WITH LEGAL COUNSEL -ANTICIPATED LITIGATION [Pursuant to Government Code §54956.9(d)(4)]** - decision whether to initiate litigation (three case).
3. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Pursuant to Government Code §54956.9(d)(2)** – significant exposure to potential litigation (two cases).
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.
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.
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.
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).

#### **OPEN SESSION**

**10:00 a.m. PLEDGE OF ALLEGIANCE**

8. **REPORT ON CLOSED SESSION AS REQUIRED BY LAW.**
9. **PUBLIC COMMENT**

**COUNTY ADMINISTRATOR**

10. Request approval of 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.
11. **Personnel** - Request Board 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.
12. **Risk Management** – Request approval of 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.

**COUNTY ADMINISTRATOR – PLANNING**

13. Request approval of 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.

**PLANNING**

14. **Yucca Mountain** – Request Board 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.

**HEALTH AND HUMAN SERVICES**

15. **ESAAA** – Request Board 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. (*Notice of vacancy received from Ms. Hoodman; Ms. Poncho; Ms. Erbeck and Ms. Isbell.*)
16. **Social Services** – Request Board approve and ratify the repair and replacement of refrigeration components at the Bishop Senior Center in the amount of \$10,136.79.

**DEPARTMENTAL** (To be considered at the Board's convenience)

17. **DISTRICT ATTORNEY** - Request Board 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).
18. **HEALTH AND HUMAN SERVICES – Social Services** - Request Board 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).

19. **HEALTH AND HUMAN SERVICES – Miscellaneous** – Request Board 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.
20. **ROAD DEPARTMENT** - Request Board 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.)
21. **ROAD DEPARTMENT** – Request Board 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.
22. **PUBLIC WORKS** – Request Board A) accept public comment on the Eastern Sierra ATV Adventure Trails System Pilot Project; B) conduct an initial review of a draft report to the California Legislature summarizing the Assembly Bill 628 combined use Pilot Project; and C) provide direction to staff regarding the draft report.
23. **PLANNING** – Request Board review and approve the Updated Desert Tortoise Management Oversight Group Charter; and authorize the Chairperson to sign.
24. **PLANNING** – Request Board receive a presentation 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), and provide direction.
25. **PLANNING** – Request Board receive a presentation on and review the Proposed Land Use Amendment and Final Environmental Impact Statement for Phase I of the Desert Renewable Energy Conservation Plan, and consider directing submittal of a Protest in regards thereto.
26. **COUNTY ADMINISTRATOR – Risk Management** – Request approval of 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. (*4/5's vote required.*)
27. **COUNTY ADMINISTRATOR - Emergency Services** - Request Board continue the local emergency, The Death Valley Rodeater 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.
28. **COUNTY ADMINISTRATOR – Emergency Services** - Request Board 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.
29. **COUNTY ADMINISTRATOR - Emergency Services** - Request Board 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.
30. **COUNTY ADMINISTRATOR - Emergency Services** – Request Board 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.
31. **COUNTY ADMINISTRATOR – Emergency Services** - Request Board 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.

32. **CLERK OF THE BOARD** – Request approval of the minutes of the November 17, 2015 Board of Supervisors Meeting.

**TIMED ITEMS** (Items will not be considered before scheduled time)

- 11:15 a.m. 33. **PLANNING** – Request Board receive a presentation on the status of Rural Desert Southwest Brownfields Coalition activities across the Coalition area and in Inyo County; and review community activities and discuss sites to be assessed.
- 11:45 a.m. 34. **MT. WHITNEY CEMETERY DISTRICT** – Request Board A) conduct a **public hearing**, per Health and Safety Code Section 9025, to 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; B) approve a resolution 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;” and C) 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, (*Notice of vacancy resulted in requests for appointment being received from Ms. Duarte and Ms. Cierniak.*)

**CORRESPONDENCE – ACTION** (To be considered at the Board's convenience)

**COMMENT** (Portion of the Agenda when the Board takes comment from the public and County staff)

35. **COUNTY DEPARTMENT REPORTS** (*Reports limited to two minutes*)
36. **PUBLIC COMMENT**

**BOARD MEMBERS AND STAFF REPORTS**