

# MINUTES

# County of Inyo Board of Supervisors

**May 7, 2013**

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 9:00 a.m., on May 7, 2013, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Linda Arcularius presiding, Jeff Griffiths, Rick Pucci, Mark Tillemans and Matt Kingsley. Mr. Randy Keller, County Counsel led the Pledge of Allegiance.

- Public Comment            The Chairperson announced the public comment period. Mr. Rick Phelps, Executive Director of the High Sierra Energy Foundation provided information on Southern California Edison's Refrigerator Recycling Program which is going to be available in the Eastern Sierra on Saturday, May 18, 2013.
- County Department        The Chairperson announced the County Department Report period. Ms. Kammi Foote, Clerk-Reports                      Recorder, informed the Board about AB19 (Ting) that will establish a pilot project for internet voting. She said that she has spoken with the author and expressed interest in having Inyo County be one of the test counties for the pilot project and asked that she be contacted should the Board wish to have her conduct a workshop on this project. Mr. Jon Klusmire, Museum Services Director, provided copies of the new Tour Guide, highlighting the changes, which were basically updating the information in the back of the Guide. He also informed the Board that the new Aqueduct Exhibit commemorating the 100<sup>th</sup> anniversary of the building of the aqueduct is opening on this Saturday, and the Annual Friends of the Museum BBQ will also take place Saturday evening.
- Sheriff/K-9 Unit            The Sheriff introduced Deputy Josh Nichols, Bomb Specialist, and his K-9 partner Rockerin Cap Introduction                      Di Monte III (Capo) to the Board.
- BofS/Western                The Board received an updated from Mr. Kenneth Brown on Western Counties Alliance and County Alliance                public land issues, including PILT payments, Secure Rural Schools funding, Geothermal funding, Sage Grouse listing, Wild Horse Burro Program, Public Land Transfers, and Grazing fees.
- County Department        The Chairperson continued the County Department Report period. Ms. Jean Turner, Director of Reports                      Health and Human Services provided the Board with a handout that recapped the HHS services provided in the southeastern portion of the County. She announced that Dr. Johnson had been selected by the Governor to serve on the California Commission on Emergency Services, offering her congratulations. Ms. Turner updated the Board on the CMPS program and efforts to protect the 1991 realignment dollars and provided them with a copy of a letter that the Governing Board had sent regarding the proposed changes. She informed the Board that as a result of sequestration, the County has been advised that it is losing more than \$145,000 in ESAAA funding which is in addition to the \$13,000 loss she had reported earlier in the year. She explained that the reductions will hit the senior meals program and that she and her staff are continuing to try and get a better explanation of the cuts because the percentages seem skewed when compared to other jurisdictions. Ms. Turner provided the Board with a copy of the Senior Newsletter for May 2013.
- Water Dept./                 Dr. Harrington addressed the request by DWP that the Board of Supervisors and Standing Reductions in                      Committee agree to reductions in groundwater pumped for irrigation as a result of two Groundwater for                      consecutive dry water years. Dr. Harrington explained the request was being made under Irrigation                      provisions of the Long Term Water Agreement that allows reductions based on two consecutive dry water years. Dr. Harrington went on to explain the Board of Supervisors role in the request and informed the Board that the Technical Group is scheduled to meet tomorrow and this is one of the items to be discussed.

The Board and Dr. Harrington discussed the request in detail and at length. The Board heard from members of the audience as follows: Mr. Tom Nolan representing the Cattlemen's Association, who identified concerns with proposed reductions that could impact ranching and agricultural operations throughout the Valley, Ms. Daris Moxley, Bishop resident and DWP Leaseholder, who was opposed to any reductions in irrigation, and Mr. Philip Anaya, Bishop Resident, who also disagreed with any reductions in irrigation. It was the consensus of the Board that this item be brought back next week for further discussion after the Technical Group meeting and prior to the next Standing Committee Meeting.

Water Dept./  
Reductions in Water  
to McNally Ponds  
and Van Norman  
EM Projects.

Dr. Harrington addressed the request by LADWP that the Board of Supervisors and Standing Committee agree to reductions in water supplied to the McNally Ponds and Van Norman Enhancement/Mitigation Project. The conversation mirrored the previous discussion regarding the reductions in groundwater pumped for irrigation, with the consensus of the Board being that the item be returned next week for further discussion after the Technical Group meeting and prior to the next Standing Committee Meeting.

CAO-Info Serv./  
Email System  
Update

Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to approve the purchase of hardware and software for the Email System Update as recommended by Staff from the low bidders Gov Connection and Insight Public Sector in an amount not to exceed \$38,280. Motion carried unanimously.

CAO-Info Serv./  
MailMeter Software  
Licensing P.O.

Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to declare Waterford Technologies, Inc., a sole source provider of MailMeter Software and authorize the purchase of MailMeter software licensing and support services from Waterford Technologies, Inc., in an amount not to exceed \$13,580, contingent upon the Board's approval of the Email System Update. Motion carried unanimously.

Parks/Picnic Tables  
P.O.

Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to award the bid for and approve the purchase of 25 picnic tables to be utilized in County Parks and Campgrounds, from RJ Thomas Mfg. Company, Inc., in an amount not to exceed \$13,280. Motion carried unanimously.

Auditor/Fraud  
Detection and  
Investigation  
Training

Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to approve the Agreement between the County of Inyo and the Institute of Internal Auditors to conduct two days of on-site fraud detection and investigation training, in an amount not to exceed \$20,800; and authorize the Chairperson to sign, contingent upon appropriate signatures being obtained. Motion carried unanimously.

HHS-Mental Hlth.  
Serv./CMHP  
Agreement

Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to approve the County Mental Health Plan Agreement between the County of Inyo and the State Department of Health Care Services as the MediCal Managed Care Plan for Inyo County for the period beginning May 1, 2013 and ending June 30, 2018 at the estimated amount for the County of Inyo being \$3,485,263, (for a statewide total of \$8,113,337,000) contingent upon the Board's adoption of future budgets and authorize the Mental Health Director to sign. Motion carried unanimously.

HHS-Senior Serv./  
ESAAA Contract  
Amendment

Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to approve Amendment No. 2 to the agreement between the County of Inyo and the California Department of Aging, decreasing the overall allocation by \$4,945, for a total Contract amount of \$757,387; and authorize the Chairperson to sign. Motion carried unanimously.

P.W./ESE Contract  
Amendment

Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to approve Amendment No. 3 to the Contract between the County of Inyo and ESE for engineering services in an amount not to exceed \$28,465 for the Independence Town Roads Rehabilitation Project, increasing the amount from \$66,965 to \$95,421; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.

P.W./Plans & Specs.  
Water Dept. HVAC  
Upgrade Project

Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to approve the Plans and Specifications for the HVAC Upgrade Project at the Inyo County Water Department Building and authorize the Interim Public Works Director to advertise and bid the project. Motion carried unanimously.

P.W./Chicago Valley Roads Right of Way Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to authorize the submittal of a right of way application to the BLM for rights of way for various Chicago Valley Roads and authorize the Chairperson to sign. Motion carried unanimously.

Resol. #2013-20/  
Event Rd. Detours & Closures On a motion by Supervisor Kingsley and a second by Supervisor Tillemans, Resolution No. 2013-20 titled "A Resolution of the Inyo County Board of Supervisors, Designating Standardized Detours for Annual Special Events Through Lone Pine, Independence, Big Pine and Bishop; and Authorizing the Road Commissioner or His Designee to Execute Documents Related to These Closures," was approved: motion unanimously passed and adopted.

P.W./Jail Dryvit System Replacement Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to reject all bids received for the Independence Jail – Replacement of Dryvit System Expansion Joints Project and authorize the Interim Public Works Director to re-advertise and re-bid the Project. Motion carried unanimously.

Rd. Dpt./Liquid Asphalt P.O. Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to award and approve the Contract for the purchase of liquid asphalt products to Environmental Concepts for the period of May 10, 2013 through June 30, 2013, in an amount not to exceed \$159,299; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.

Resol. #2013-21  
Darwin Street Abandonment The Chairperson opened the public hearing at 12:00 p.m., on a proposed 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 McKenzie Street in Darwin Townsite." Mr. Nolan Bobroff, Planning Assistant reviewed the staff report and recommendations concerning the road abandonment. The Chairperson closed the public hearing at 12:02 p.m. On a motion by Supervisor Kingsley and a second by Supervisor Pucci, Resolution No. 2013-21 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 McKenzie Street in Darwin Townsite," was approved: motion unanimously passed and adopted.

Recess/  
Reconvene The Chairperson recessed the regular meeting at 12:05 p.m., to reconvene in open session directly following the adjournment of the Board of Equalization Meeting at 2:10 p.m., with all Board Members present.

Integ. Waste/Request from Haulers for Hauling Floor Rate Increase Ms. Pam Hennarty, Deputy County Administrator, provided additional information and further explanation regarding Staff's request for direction regarding requests by two waste haulers, Bishop Waste and Preferred Septic, to have the hauling floor rate increased. Ms. Hennarty explained that because of the large disparity between the requests of 6% and 35%, staff was unable to discern the appropriate amount to recommend for a change in the hauling floor rate. She went on to say this was the reason for requesting consideration of a possible financial audit of the two haulers to ascertain an appropriate change in the rate. The Board heard from Mr. Patrick Fenton of Bishop Waste and Mr. Dale Comontofski of Preferred Septic who provided an explanation of why they were requesting the increases. Mr. Fenton explained that the cost of providing recycling services was impacting his operations and Mr. Comontofski explained that his requested increases were to cover his operation cost increases and to help the County with its revenue issues. The ensuing discussions concerning the requested rate increase included landfill issues, recycling issues, collection issues, gate fees, County operational costs, Prop 218 applicability, and the percentage of increase the Board would consider. After a lengthy discussion between the Board, Staff and the haulers, the individual Board Members provided their comments regarding a proposed hauling floor rate increase, with several Board Members expressing a desire to not conduct independent financial audits of the haulers businesses, a belief that costs have increased across the board, and a desire to have the floor rate increased. The Board directed staff to bring back an item to increase the hauling floor rate by up to 8% for the Board's consideration.

HHS-Misc./Position request Moved by Supervisor Pucci and seconded by Supervisor Kingsley to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the position of Administrative Analyst exists in Health, Health Grants, ESAAA and IC Gold budgets as certified by the Health and Human Services Director and concurred with by the County Administrator and Auditor-Controller; B) and where if the County was facing layoffs, the position could be filled by internal candidates meeting the qualifications for the position, but since no layoffs are pending, an open recruitment would be appropriate to ensure qualified applicants apply; and (c) approve the hiring of one Administrative Analyst I at Range 66 (\$3,757 - \$4,574) or II at Range 68 (\$3,946 - \$4,794) contingent upon qualifications; and D) if an internal candidate is the successful candidate, authorize HHS to backfill the resulting vacancy. Motion carried unanimously.

HHS-Senior Serv.-ESAAA/Calif. Indian Legal Serv. Contract Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to ratify and approve the Contract between the County of Inyo and the California Indian Legal Services for the provision of legal services to older adults eligible for services through the ESAAA, in an amount not to exceed \$64,896 for the period of April 8, 2013 through June 30, 2016, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign. Motion carried unanimously.

CAO-HHS/Fitness Month Proclamation The County Administrator, Mr. Kevin Carunchio provided information on the new County Workplace Health & Wellness Program initiative, explaining that to encourage healthy and fit employees the County was encouraging employee participation in health and fitness events like the upcoming "bike to work week." Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve the proclamation designating the month of May 2013 as Global Employee Health & Fitness Month. Motion carried unanimously.

Department Report Period At the request of the Public Works Director, the Chairperson reopened the Department Report Period. Mr. Doug Wilson, Interim Public Works Director, informed the Board that the Lone Pine Reservation has approved the installation of a 135 ft. high cellular tower 4/10 of a mile from the runway at the Lone Pine Airport. Mr. Wilson said that the FAA was not opposed to this location and the County Administrator expressed his dismay that the FAA will not let a landfill be sited within 5 miles of an airport because of the birds, but a 135 ft. tower in such close proximity to the runway appears to be OK. Mr. Wilson said that he would keep the Board informed and Supervisor Kingsley indicated that he would contact the Tribal Chairperson about the need to communicate with the County on something like this.

P.W./Budget Amendment Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to A) amend the FY 2012-13 Deferred Maintenance Budget Unit 011501 by increasing estimated revenues in Contributions from LADWP (*Revenue Code #4563*) by \$169,280 and increasing appropriations in Construction in Progress (*Object Code #5700*) by \$169,280 (*4/5's vote required*); B) approve Contract Amendment No. 1 to the Contract between the County of Inyo and SolarCity for the installation of a photovoltaic generating system at the Independence County facilities increasing the Contract by \$144,279,91 for a total amount not to exceed \$2,005,127.91, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained; C) authorize the Interim 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; and D) authorize paving of the area under the Annex shade structure. Motion carried unanimously.

Treasurer/Investment Policy Amendment The Treasurer-Tax Collector, Ms. Alisha McMurtrie, reviewed the proposed changes she is requesting in the Treasury Investment Policy, which will allow her to create a low interest loan program that will assist local agencies in obtaining short term financing (bridge loans). She presented the Board with a letter from the Treasury Oversight Committee supporting the change and recommending that initially the program be provided to those agencies invested in the pooled fund. Ms. McMurtrie also noted a change on page 5 of the Policy which changes the maximum % of the pool for LAIF to be increased to 10%. Moved by Supervisor Kingsley and seconded by Supervisor Pucci to approve the Inyo County Treasury Investment Policy as amended and limiting the program offering the first year to only agencies that are invested in the pooled fund. Motion carried unanimously.

Planning/Owens Lake Master Plan	Mr. Josh Hart, Planning Director summarized the County's participation in the development of the Owens Lake Master Plan. The Board and staff discussed the differences between the Master Plan and the Owens Lake Master Project discussed by DWP. Mr. Hart explained that with the upcoming meeting of the Owens Lake Master Plan Committee the County's representatives wanted to make sure that the County's position continued to be relayed consistently. The Board concurred with Staff's summarization of the County's position on the Plan.
Auditor/CalPERS Refunding Loan Bonding Counsel & Placement Agent Contracts	The Acting Auditor-Controller, Ms. Amy Shepherd provided additional information and further justification for the request to contract for services relating the CalPERS Refunding loan process. The Board and staff discussed the amount of the loan, with staff requesting that the amount for the bond counsel contract be increased by \$7,500 which is the amount of the contract that is not refundable. Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to A) accept the terms of engagement for bond counsel from Jones Hall to provide legal services to the County of Inyo during the CalPERS Refunding Loan process in an amount not to exceed \$37,500; and authorize the County Administrator to sign; (4/5's vote required); and B) approve the Agreement between the County of Inyo and Brandis Tallman LLC for placement agent service during the CalPERS Refunding Loan process in an amount not to exceed \$35,000; and authorize the County Administrator to sign. Motion carried unanimously.
Auditor/Position Request	Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to authorize the Auditor-Controller to extend the temporary employment of one Account Clerk III at Range 051PT Step A (\$14.21/hour) for a period not to exceed two months starting June 3, 2013. Motion carried unanimously.
CAO-Personnel/ Auditor-Controller Recruitment	The County Administrator reviewed the options available to the Board concerning how to proceed with filling the unexpired term of the Office of Auditor-Controller. The Board Members indicated their desire to conduct a short local recruitment soliciting for letters of interest and resumes from which they might conduct interviews and scheduled the interviews for their May 28, 2013 Board of Supervisors Meeting and directed staff to proceed with the recruitment as indicated.
Parks/Position Request	Moved by Supervisor Tillemans and seconded by Supervisor Kingsley to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the position of Seasonal Part-Time Maintenance Helper comes from the General Fund certified by the Deputy County Administrator and concurred with by the County Administrator and Auditor-Controller; B) and where if the County was facing layoffs, the position could be filled by internal candidates meeting the qualifications for the position, but since no layoffs are pending, an open recruitment would be appropriate to ensure qualified applicants apply; and C) approve the hiring of one seasonal Park and Campground Maintenance Helper at Range PT042 (\$11.55 - \$14.05/hr.) beginning June 1, 2013 through October 30, 2013, contingent upon the Board's adoption of future budgets. Motion carried unanimously.
BoS/Minute Approval	Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to approve the minutes of the April 29, 2013 Special Meeting of the Board of Supervisors. Motion carried unanimously, with Supervisor Kingsley abstaining.
Public Comment	The Chairperson announced the second public comment period and there was no one wishing to address the Board.
Closed Session	The Chairperson recessed open session at 5:15 p.m., to reconvene in closed session with all Board Members present to discuss and take action as appropriate on Agenda Items No. 34. <b>CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(d)(1)] – Verizon California Inc., a California Corporation v. California State Board of Equalization; County of Inyo, et al., Sacramento County Superior Court Case No. 34-2013-00128191; No. 35. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(d)(1)] - City of Los Angeles, Department of Water and Power of the City of Los Angeles v. Inyo County Board of Supervisors, et al. Inyo County Superior Court Case No. 12908; Blackrock 94 Dispute Resolution; No. 36. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(a)] – Jesse Edwin Jason v County of Inyo, Unfair Practice Charge No. SA-CE-814M; No. 37. PERSONNEL [Pursuant to Government Code §54957]. Public Employee Appointment – Title – Public Works Director; No. 38. PERSONNEL [Pursuant to Government Code §54957]. Public Employee Appointment – Title - County Counsel; No. 39. CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code § 54957.6]. Instructions to Negotiators re: wages, salaries and</b>

benefits - Employee Organization: Elected Officials Assistant Association (EOAA) - Negotiators: Chief Probation Officer Jeff Thomson and Labor Relations Administrator Sue Dishion; No. 40. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code § 54957.6].** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Inyo County Correctional Officers Association (ICCOA) - Negotiators: Labor Relations Administrator Sue Dishion; No. 41. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6].** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: ICEA - Negotiators: Labor Relations Administrator Sue Dishion, Director Child Support Services Susanne Rizo, and Chief Probation Officer Jeff Thomson; No. 42. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code § 54957.6].** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Inyo County Probation Peace Officers Association (ICPPOA) - Negotiators: CAO Kevin Carunchio and Labor Relations Administrator Sue Dishion; and No. 43. **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: CAO Kevin Carunchio and Labor Relations Administrator Sue Dishion.

Report on Closed Session

The Chairperson recessed closed session at 7:55 p.m., to reconvene in open session to receive a report on closed session. County Counsel reported there was nothing discussed in closed session that is required by law to be reported on in open session.

Adjournment

The Chairperson adjourned the regular meeting at 7:55 p.m., to 9:00 a.m., Tuesday, May 14, 2013 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*