

# MINUTES

# County of Inyo Board of Supervisors

## May 14, 2013

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:45 a.m., on May 14, 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. Supervisor Arcularius led the Pledge of Allegiance.

- Closed Session      The Chairperson recessed open session at 8:45 a.m. to convene in closed session, with all Board Members present to discuss and take action as appropriate on Agenda Items No. 1. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(d)(1)] – Prominent Systems, Inc., a California Corporation, v. Eastern Sierra Engineering, P.C., a Nevada Corporation; County of Inyo, a political subdivision of the State of California, Superior Court of the State of California for the County of Los Angeles BC498144; No. 2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(d)(1)] – Travis Summer, v. County of Inyo, Inyo County Sheriff's Department, Bill Lutze, Chad Rieger, R. Durbin, Rochelle Evans, B. Madera, Don Carter, R. Reinee, Gabe Hicks and Does 1-20, inclusive, Inyo County Superior Court Case No. SICVCV12-54534; and No. 3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(d)(1)] – Peter Waasdorp; Kathy Waasdorp, v. County of Inyo; Skylene Katherine Milos, and Does 1-50, inclusive; Inyo County Superior Court Case No. SICVCV13-54910**
- Public Comment      The Chairperson recessed closed session at 9:50 a.m., to reconvene in open session at 9:55 a.m., with all Board Members Present. The Chairperson announced the public comment period. Captain Andria Witmer of the California Highway Patrol Bishop Office, addressed the Board to talk about National Police Memorial Week. The Chairperson, Supervisor Arcularius, announced that in honor of National Police Memorial Week, today's meeting would be adjourned in memory of the law enforcement personnel who have lost their lives in the line of duty.
- County Department Reports      The Chairperson announced the County Department Report period. Mr. Marvin Moskowitz, Environmental Health Director, informed the Board of two recent significant sewage spills in Independence. He told the Board that he is in contact with Lahontan Water Quality District regarding identifying the cause of the spills. He said that he would keep the Board informed on this issue. Mr. Moskowitz went on to say that several new and previously existing restaurants will be reopening and opening in the Bishop and Lone Pine areas. Mr. Josh Hart, Planning Director reported that the County has received partial funding on the proposal for SCE funds. Chief Probation Officer, Jeff Thomson, provided an update on prison reform and issues that have occurred recently. The County Administrator provided financial impact information on the Chief's report. Dr. Bob Harrington, Water Director, provided an update on the State mandated water monitoring program.
- Indy Cemetery District Appointments      Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to reappoint Ms. Marilyn Bracken and Frieda LaCues to the Independence Cemetery District Board of Trustees, to complete four year terms ending March 1, 2016 and October 8, 2015 respectively. Motion carried unanimously.
- HHS-Soc. Serv./ State Welfare Directors Dues      Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to authorize payment of County Welfare Directors Association of California dues for Fiscal Year 2013-14 in an amount not to exceed \$14,664, contingent upon the Board's adoption of a FY 2013-14 Budget. Motion carried unanimously.
- HHS-Hlth. Serv./ KMPG Contract      Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to approve Amendment No. A02 to the Agreement between the County of Inyo and the Department of Health Care Services, amending language requested by KMPG, LLP Auditor, contingent upon the Board's adoption of future budgets; and authorize the Health and Human Services Director to sign. Motion carried unanimously.

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| Ag. Comm./<br>Advisory Board<br>Appointments                                 | Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to reappoint the following to the Agricultural Resource Advisory Board to complete unexpired three year terms ending August 22, 2015: Mr. Howard Arcularius representing the Inyo Mono Farm Bureau, Mr. Gary Giacomini representing the Inyo/Mono Cattleman's Association, Mr. Mark Lacey representing the Lone Pine Chamber of Commerce, and Dr. William Talbot representing the LADWP Lessee Category. Motion carried unanimously.  |
| Planning/L.P.<br>Architectural<br>Design Review<br>Board<br>Appointments     | Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to reappoint the following to the Lone Pine Architectural Design Review Board to complete unexpired two year terms ending February 24, 2015: Ms. Kathi Hall representing the Lone Pine Chamber of Commerce Representative category, and Ms. Linda Haun representing the member-at-large category. Motion carried unanimously.   |
| Sheriff/U.S.F.S.<br>Controlled<br>Substance<br>Operations<br>Contract        | Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to approve the 2013 Financial & Operations Plan for Controlled Substance Operations U.S. Forest Service reimbursements in the amount of \$17,000, contingent upon the Board's adoption of a FY 2013-14 Budget; and authorize the Sheriff and the Chairperson to sign the agreement and all other necessary documents. Motion carried unanimously.   |
| SIFPD/Parcel Fee<br>Adjustment   | Mr. Larry Levy, Chief of the Southern Inyo Fire Protection District, (SIFPD) addressed the Board to provide information regarding the financial condition of the District as well as information concerning the District's request that the County adjust the fee it charges to cover the County's costs to collect the District's special taxes. Mr. Levy confirmed that the District's Resolution #2011-10-18 no longer reflects what the District is requesting of the Board. He explained why the District believes the fee being charged by the County is excessive and talked about the SIFPD budget needs. Ms. Robin Flinchum, Chairperson of the District Board, and Mr. Carl Dennett, Administrative Officer for the District, addressed the Board to support the District's recommendation that the County reduce its fee, and to talk about the grim financial picture of the SIFPD, and the public safety benefits the District provides to the citizens and visitors of the southeastern portion of the County. One of the recommendations for assisting the District with its financial situation was made by Mr. Levy which was to ask that the District receive a portion of the ad valorem (pre Proposition 13) tax. Ms. Amy Shepherd, Acting Auditor Controller, commended the SIFPD for the exceptional work they do in presenting complete parcel information to assist the County in its bill for and collection of the District's special taxes. She went on to explain that the County is prohibited by law from disbursing the ad valorem tax to districts that were not in existence prior to Prop 13 and the only way the SIFPD could participate in a distribution of those funds would be if a district eligible for the ad valorem tax agreed to give a portion of its allocation to the SIFPD through tax sharing agreement. Ms. Alisha McMurtrie, Treasurer-Tax Collector, provided additional information concerning the District's tax collection, explaining that the southeastern portion of the County has a high property tax delinquency rate and because the SIFPD is a TEETER District the County pays the District the entire amount of the secured taxes and recoups its money when collection is made, thus the District receives its entire secured parcel tax amount annually regardless of the County's ability to collect tax. The Board, Mr. Levy, Ms. Flinchum, and staff continued to discuss the District and its financial issues. The Board (a) asked that a workshop be scheduled sometime in the future to review the fees the County charges special districts for the collection of the taxes, (b) requested that the district update its Resolution #2011-10-18 to make a specific request of the County regarding adjusting the fee charged by the County to cover administration costs for collection of the District's Measure J taxes, and (c) directed staff to meet with District representatives to help SIFPD find solutions for its financial situation. |
| Recess/<br>Reconvene   | The Chairperson recessed the regular meeting at 11:35 a.m., to reconvene in open session at 11:40 a.m., with all Board Members present.   |
| CAO-Alabama Hills<br>Stewardship Group<br>Federal Scenic Area<br>Designation | Mr. Kevin Mezzu representing the Alabama Hills Stewardship Group updated the Board on the status of the Group's efforts to obtain Federal National Scenic Area Designation for the Alabama Hills. After a power presentation on the Alabama Hills, Mr. Mezzu and the Board discussed the Federal National Scenic Area Designation. Mr. Dick Noles of AAPL addressed the Board to support the Stewardship Group and its efforts. Mr. Philip Begulth, an owner of the Alabama Hills Gold Mine, provided information concerning the operations of the mine. Supervisor Arcularius and the County Administrator, Mr. Kevin Carunchio, shared information they had gleaned during their recent trip to Washington D.C, and stressed the importance of being very specific in identifying uses for the area in any legislation so that in the future there is no misunderstanding as to the   |

intent of the legislation. Supervisor Arcularius explained that the details will be in the Management Plan and the more specific the legislation the more specific the Management Plan should be concerning the intent. Mr. Carunchio suggested that the legislation specifically identify the protection of the area for the continuation of historical use of filming, grazing, casual use mining, multiple uses, recreational use, public access, etc. The Board, Mr. Mezzu, and staff continued to discuss the proposed designation at length and in detail, including, adding language concerning the Lone Pine Tribe and the land exchange to any letter of support, the County's support of the designation, and the request from Senator Feinstein that the County Board of Supervisors reaffirm its support of the designation. Mr. Steve Nelson of the BLM addressed the Board to echo the kudos for the accomplishments of the Alabama Hills Stewardship Group and everything it has accomplished. Mr. Mezzu thanked the Board for the opportunity to update the Board, saying that he looked forward to a new letter that will provide the catalyst to move the legislation forward. Mr. Carunchio indicated that he had sufficient information to draft a letter to Senator Feinstein covering the points discussed today and said he anticipated bringing the letter back for the Board's consideration sometime towards the end of May or beginning of June.

CAO-Info Serv./E.S. Broadband W/S The Chairperson recessed the regular meeting at 12:55 p.m., to convene in a workshop to receive a presentation regarding the Eastern Sierra Connect Regional Broadband Consortium (ESCRB). The Chairperson recessed the workshop at 1:30 p.m.

Recess/Reconvene The Chairperson recessed the regular meeting at 1:30 p.m., to reconvene in open session at 2:10 p.m., with all Board Members present.

Water Dept./ Standing Comm. Rep. Instructions. Dr. Harrington provided copies of the draft agenda for the upcoming May 20, 2013 Inyo County/Los Angeles Standing Committee meeting. Dr. Harrington reported on each of the non action items with the Board agreeing with the staff's recommendations regarding those items. The Board went on to discuss the two action items which were LADWP's requests to reduce irrigation valley wide and to reduce water supplied to E/M projects. Dr. Harrington reported on the Technical Group Meeting wherein the two requests were discussed. The Board heard from Mr. Bob Prendergast of DWP, who provided additional explanations on the requests and how the Department intended to apply the reductions being proposed. They also heard from Mr. Tom Noland representing the Cattlemen's Association who conveyed that the Association was opposed to the proposed reductions in irrigation saying that if the water is available the group believes it should be delivered; Mr. Philip Anaya who presented and read a letter from Mr. Mark Bagley of the Sierra Club supporting the Inyo County Water Department's recommendation with regard to the two requests and also made a personal suggestion regarding an interim process to monitor water supply to ranchers during this drought year; Ms. Sally Manning of the Big Pine Tribe's Environmental Office made comments concerning the Drought Recovery Policy; and Mr. David Edwards LADWP City Attorney who briefly talked about the Blackrock 94 dispute. Supervisor Tillemans expressed concern with the lack of procedures for dealing with disputes and the ineffectiveness of the Long Term Water Agreement and lack of enforcement. He said he believes it's going to be hard to rule on anything until procedures are in place. The Board and staff continued to discuss the LADWP's requests for reduction irrigation and water supplied to the E/M projects in detail and at length. The Board talked individually about the two E/M projects being recommended for reduced water supplies, i.e., the McNally Ponds and the Van Norman project. Throughout the discussions several Board Members commented on the need to have a responsive partner in the DWP, in order to build trust in a way that the County can believe that everyone is working towards a common goal.

Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to deny the LADWP request pursuant to the Water Agreement Section 4A for temporary operational reductions in irrigation water. Motion carried on a four-to-zero vote with Supervisors Arcularius, Griffiths, Pucci and Kingsley voting yes, and with Supervisor Tillemans abstaining.

Moved by Supervisor Tillemans and seconded by Supervisor Pucci to support the staff recommendation with regard to this project. Motion carried unanimously.

Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to support the staff recommendation with regard to this project. Motion carried unanimously.

Recess/Reconvene The Chairperson recessed the regular meeting at 3:55 p.m., to reconvene in open session at 4:00 p.m., with all Board Members present.

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| Ag. Commissioner/<br>Annual Crop Report                   | The presentation of the 2012 Annual Crop and Livestock Report, was pulled from the Agenda at the request of the Department.   |
| Ag. Comm/Budget<br>Amendment                              | Moved by Supervisor Griffiths and seconded by Supervisor Pucci to amend the FY 2012-13 Agricultural Commissioner Budget Unit 023300 as follows: increase estimated revenue in Unrefunded Gas Tax ( <i>Revenue Code #4463</i> ) by \$117,371; increase appropriations in Operating Transfers Out ( <i>Object Code #5801</i> ) by \$58,685.50 and Other Agency Contribution ( <i>Object Code #5539</i> ) by \$58,685.50; and increase estimated revenue in Agricultural Commissioner Building Trust Budget Unit 503302, Operating Transfers In ( <i>Revenue Code #4998</i> ) by \$58,685.50. Motion carried unanimously.  |
| Sheriff/Budget<br>Amendment                               | Moved by Supervisor Kingsley and seconded by Supervisor Pucci to amend the FY 2012-13 Jail-CAD RMS Project Budget 022950 by increasing estimated revenue in Operating Transfers In ( <i>Revenue Code #4498</i> ) by \$12,231 and increasing appropriations in Other Professional Services ( <i>Object Code #5265</i> ) by \$12,231 ( <i>4/5's vote required</i> ); and B) declare Sun Ridge Systems, Inc., a sole-source provider of RIMS/JLAN Link software and ratify and approve the purchase of and payment for RIMS/JLAN Link software + annual support services from Sun Ridge Systems, Inc., in the amount of \$12,230.84. Motion carried unanimously.   |
| HHS-Hlth. Serv./<br>Position Request                      | Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the position of Registered Nurse (RN) or Public Health Nurse (PHN) exists 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 full time RN at Range 78 (\$4,997 - \$6,094) or PHN at Range 80 (\$5,238 - \$6,371); and authorize to hire at the E Step depending on qualifications. Motion carried unanimously.   |
| HHS-Soc. Serv./<br>Position Request                       | Moved by Supervisor Griffiths 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 Integrated Case Worker exists in the Social Services Budget 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 if the position cannot be filled from an existing eligibility list; and (c) approve the hiring of one Integrated Case Worker I at Range 60 (\$3,271 - \$3,973) or II at Range 64 (\$3,590 - \$4,363) depending on qualifications. Motion carried unanimously.  |
| Planning/Legal<br>Contract for Owens<br>Valley Comm. Case | The request for the Board to A) approve the Contract between the County of Inyo and Liebersbach, Mohun, Carney & Reed for the provision of legal services in connection with the County's defense in the matter <i>Owens Valley Committee v. County of Inyo, Inyo County Superior Court Case No. SICVPT 13-54991</i> , and B) approve Amendment No. 3 to the Contract between the County of Inyo and C.G. Roxane LLC, was pulled at the request of the Department.  |
| Planning/USFS<br>Forest Plan Update                       | Mr. Josh Hart, Planning Director, reviewed the staff report and recommendations concerning the Inyo National Forest Plan Update/Revision, and staffs request for the Board to identify priorities for any Eastside Symposium and/or Science Synthesis Addendum. The Board identified the following goals for the Symposium: (a) gather key scientific data relevant to the Inyo National Forest that are not presented in the Science Synthesis; (b) focus on species of concern in a timely manner relevant to the Inyo National Forest, the society and culture of the east side, and the unique hydrology of the Basin and Range, particularly the Owens Valley; and (c) provide for input from the Eastern Sierra regarding the information gathered, potentially in a Symposium format, including direct interaction between local interests and the experts; and for the Addendum: (a) topics should include culture, society, and economy; (b) an explanation as to why the Nature Conservancy is included in the section for Sagebrush/Pinyon-Juniper; (c) include the beneficial effects of grazing, including on fuels reduction; (d) explanation on why sage grouse is a low priority; and (e) note that Ken Tate as an expert in many topics. With regard to the upcoming Sierra Cascades Dialog the Board asked that this item be returned for discussion next week. |

- CAO-Emerg. Serv./  
D.V. Roadeater  
Continued
- The County Administrator recommended the emergency be continued until road issues are resolved with the Parks Services and the Road Department has provided an update on the status of the roads. Moved by Supervisor Kingsley 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. Motion carried unanimously.
- Public Comment
- The Chairperson announced the second public comment period and there was no one from the public wishing to address the Board.
- Closed Session
- The Chairperson recessed open session at 4:20 p.m., to reconvene in closed session to discuss and take action as appropriate on Agenda Item No. 25. **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. 26. **PERSONNEL [Pursuant to Government Code §54957].** Public Employee Appointment – Title – Public Works Director; No. 27. **PERSONNEL [Pursuant to Government Code §54957].** Public Employee Appointment – Title - County Counsel; No. 28. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code § 54957.6].** Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Elected Officials Assistant Association (EOAA) - Negotiators: Information Services Director Brandon Shults and Labor Relations Administrator Sue Dishion; No. 29. **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: Information Services Director Brandon Shults and Labor Relations Administrator Sue Dishion; No. 30. **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, and Information Services Director Brandon Shults; No. 31. **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: Information Services Director Brandon Shults, Chief Probation Officer Jeff Thomson, and Labor Relations Administrator Sue Dishion; No. 32. **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: Information Services Director Brandon Shults and Labor Relations Administrator Sue Dishion; No. 33. **REAL PROPERTY NEGOTIATIONS [CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8] –** Property: APN 026-080-15, Lone Pine, California – Negotiating Parties: County Administrator Kevin Carunchio, Senior Deputy County Administrator Pam Hennarty, and Deputy Public Works Director Jim Tatum – Negotiations: Terms and Conditions; No. 33A. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION [Pursuant to Government Code§ 54956.9(d)(4)] –** Decision whether to initiate litigation (one case.)
- Report on Closed Session
- The Chairperson recessed closed session at 5:45 p.m., to reconvene in open session to receive a report on closed session. County Counsel reported there were no actions taken in closed session, which are required by law to be reported on in open session.
- Adjournment
- The Chairperson adjourned the meeting in memory of law enforcement officer who have given their lives in the line of duty. The Meeting was adjourned at 5:45 p.m., to 9:00 a.m., Tuesday, May 21, 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*