

MINUTES

County of Inyo Board of Supervisors

June 18, 2013

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 9:05 a.m., on June 18, 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 Kingsley led the Pledge of Allegiance.

- Public Comment Rich and Kathy White of Independence, updated the Board on the CalExpo Exhibit, acknowledged and thanked Supervisor Kingsley for volunteering to work the County's booth at this year's State Fair, and invited the remainder of the Board to visit the Expo.
- County Department Ms. Susanne Rizo, Director of Child Support Services, reported on Department activities and to let Reports the Board know that with realignment off the table, the State Department's budget revenues appear to be very similar to last year. Ms. Kammi Foote, Clerk-Recorder, updated the Board on SB39 and other Department activities. Ms. Jean Turner, Director of Health and Human Services, reported that \$100,000 of the County's ESAAA funding from the State has been restored and hopefully the remaining \$50,000 that was previously cut will be forthcoming in the future. Ms. Turner went on to report on the CalWorks Program, Health Realignment and Managed Care. Mr. Jon Klusmire, Museum Administrator, reported on Museum activities.
- HHS-Behavioral Moved by Supervisor Pucci and seconded by Supervisor Kingsley to approve Amendment No. 2 to Hlth. Serv./Casa the Contract between the County of Inyo and Casa Pacifica Center for Children and Families for the provision of mental health services, increasing the Contract amount by \$10,000 to an amount Pacifica Contract not to exceed \$70,000 for the period of July 1, 2012 through June 30, 2013; and authorize the Amendment Chairperson to sign. Motion carried unanimously.
- Probation/Extended Moved by Supervisor Pucci and seconded by Supervisor Kingsley to approve the Contract between Day Program the County of Inyo and the Inyo County Superintendent of Schools for the Extended Day Program Contract for the period of July 1, 2013 through June 30, 2014, in an amount not to exceed \$21,227, contingent upon the Board's adoption of a FY 2013-14 budget; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
- Probation/ Moved by Supervisor Pucci and seconded by Supervisor Kingsley to approve the Contract between Anderson Contract the County of Inyo and Dr. Keith Andersen to provide professional services to Inyo County Probation Department – Juvenile Institutions, for the period of July 1, 2013 through June 30, 2014, in an amount not to exceed \$50,000, contingent upon the Board's adoption of a FY 2013-14 budget; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
- Probation/ Moved by Supervisor Pucci and seconded by Supervisor Kingsley to approve the Contract between Delinquency the County of Inyo and Healthy Communities of Southern Inyo County for a Delinquency Prevention Prevention Program for the period of July 1, 2013 through June 30, 2014, in an amount not to Program Contract exceed \$31,840, contingent upon the Board's adoption of a FY 2013-14 budget; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
- Rd. Dept./Fed. Moved by Supervisor Pucci and seconded by Supervisor Kingsley to approve the 2013-13 Federal Apportionment Apportionment Exchange Program and State Match Program Agreement with the California Exchange Program Department of Transportation in the amount of \$673,353 plus State match of \$100,000 for a total amount of \$773,353; and authorize the Chairperson to sign. Motion carried unanimously.
- Rd. Dept./Tract Moved by Supervisor Pucci and seconded by Supervisor Kingsley to approve A) the Tract Map No. Map Approval 248, B) accept the offer of right of way dedication along Tuttle Creek Road and C) accept the offer of a right of way dedication along Indian Springs Road. Motion carried unanimously.

Rd. Dept./No Parking Zones for Bishop Fireworks Display	Moved by Supervisor Pucci and seconded by Supervisor Kingsley to implement temporary no parking zones for the north and south shoulders of East Line Street/Poleta Road beginning at the Bishop Creek Canal and terminating approximately one half mile east of Airport Road and the east and west shoulders of North Airport Road from the intersection of East Line Street/Poleta Road to approximately one quarter mile north from 12:00 noon through 10:00 p.m., July 4, 2013. Motion carried unanimously.
Rd. Dept./HVAC Upgrade Project for Water Department	Moved by Supervisor Pucci and seconded by Supervisor Kingsley to A) award and approve the Contract between the County of Inyo and Bishop Heating and Air Conditioning, Inc., for the HVAC Upgrade Project at the Inyo County Water Department Building, in an amount not to exceed \$167,596.48; authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained; and B) authorize the Interim Public Works Director to sign all other contract documents, including contract change orders, to the extent permitted by Public Contract Code Section 20142 and other applicable law. Motion carried unanimously.
Planning/PCR Services Corp Contract Amendment	Moved by Supervisor Pucci and seconded by Supervisor Kingsley to approve Amendment No. Three to the Contract between the County of Inyo and PCR Services Corporation to extend the ending date of the Contract from June 30, 2013 to December 31, 2013, contingent upon the Board's adoption of a FY 2013-14 budget; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
Planning-Water/ Stephens & Assoc. Contract Amendment	Moved by Supervisor Pucci and seconded by Supervisor Kingsley to approve Amendment No. Four to the Contract between the County of Inyo and Daniel B. Stephens & Associates, Inc., for hydrologic analysis services to (a) extend the term of the Contract to December 31, 2013 and (b) amend Attachment B (Schedule of Fees) to reflect the 2013 Standard Schedule of Fees, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign contingent upon the appropriate signatures being obtained. Motion carried unanimously.
Water/J. Braun Contract Amendment	Moved by Supervisor Pucci and seconded by Supervisor Kingsley to approve Amendment No. 1 to the Contract between the County of Inyo and Jerome Braun, Ph.D. for statistical consulting services, increasing the Contract by \$5,000 to an amount not to exceed \$15,000; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
Assessor/Berhoff Contract	Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to approve the Contract between the County of Inyo and Harold W. Bertholf, Inc., for Mineral Appraisal Services for the period of July 1, 2013 through June 30, 2016 in an amount not to exceed \$401,820, contingent upon the Board's adoption of future budgets; waive the requirements for Error and Omissions Insurance; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
HHS-Hlth. Serv./ 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 Health and Human Services Specialist exists as certified by the Director of Health and Human Services and concurred with by the County Administrator; B) 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 Health and Human Services Specialist at Range 53 (\$2,779 - \$3,380). Motion carried unanimously.
Planning/Frog & Toad Habitat Designation	The Board and the Planning Director discussed at length and in detail the proposal by U.S. Fish and Wildlife Service to designate critical habitat for the Sierra Nevada and Mountain Yellow-Legged Frog and the Yosemite Toad. They discussed the impact of the proposed designation in Inyo County, as well as having a public meeting on the issue held in Inyo County, inviting representatives of U.S. Fish and Wildlife to attend a Board Meeting to discuss this with the Board, and the importance of having the socio-economic impacts identified on a professional basis. The Board and Mr. Hart discussed various changes to the letter. Moved by Supervisor Pucci and seconded by Supervisor Tillemans to approve the correspondence, as amended to reflect the discussion, concerning the U.S. Fish and Wildlife Service proposal to designate critical habitat for the Sierra Nevada Yellow-Legged Frog, the Northern Distinct Population Segment of the Mountain Yellow-Legged Frog and the Yosemite Toad; and authorize the Chairperson to sign. Motion carried unanimously.

CAO-Budget/ Preliminary Budget	The County Administrator provided the Board with a revised ARF that reflected updated figures for the roll over budget. He explained that the roll over budget is last year's Board approved budget, with a new fixed assets list and provides the County the ability to continue to operate until the FY 2013-14 budget is adopted. Moved by Supervisor Tillemans and seconded by Supervisor Kingsley to adopt the Fiscal year 2012-2013 Board Approved budget as the Preliminary Budget for Fiscal Year 2013-2014 and approve the fixed assets as recommended by staff. Motion carried unanimously.
BofS/Minute Approval	Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to approve the minutes of the Board of Supervisors Meeting of June 14, 2013. Motion carried unanimously.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 10:20 a.m., to reconvene at 10:40 a.m., with all Board Members present.
Board Members and Staff Reports	The Board Members reported on their activities during the preceding week including an Inyo First Five Meeting, a Water Commission Meeting in Big Pine, a senior services meeting, a meeting with the NPS on the Heritage Trail, and the Citizen of the Year award ceremony. The Chairperson suspended Board Member and Staff Reports in order to discuss the new animal shelter facilities fundraising efforts.
P.W.-CAO-Sheriff/ Animal Shelter Fundraising Update	The County Administrator, the Deputy Public Works Director, the Sheriff and Mr. Ted Shade of ICARE updated the Board on the fundraising efforts of ICARE for the construction of new animal shelter facilities. The discussion included a report on the recent ICARE dinner that raised around \$30,000, the new campaign to sell dog and cat kennel sponsorship, financing opportunities that would be available to the County, the size of the facilities being planned for, and the County's involvement in the project. The County Administrator clarified that the County has not committed to a new animal shelter and will be evaluating its further involvement in the project once the fundraising efforts by ICARE are concluded.
Board Members and Staff Reports	The Chairperson continued Board Members and staff reports, which included a travel management meeting, a tour of the Coroner's office, the Bishop City Council retreat, a Northern Inyo Airport Advisory Meeting, and the Bishop to Mammoth Bike Race.
Ordinance 1179/ Sheriff Salary Increase	On a motion by Supervisor Kingsley and a second by Supervisor Tillemans, Ordinance 1179 titled "An Ordinance of the Board of Supervisors, County of Inyo, State of California, Amending Section 2.88.040 of the Inyo County Code to Provide for Increases in the Salary for Certain Elected Officials, Excluding Members of the Board of Supervisors" which will increase the salary of the Sheriff to \$10,699 per month, was enacted: motion unanimously passed and adopted.
CAO-Personnel/ Biweekly Pay Schedule Ordinance	The Chairperson opened the public hearing at 11:31 a.m., on an ordinance titled "An Ordinance of the County of Inyo, State of California, Amending Section 2.80.140 of the Inyo County Code to Authorize Pay to Employees on a Biweekly Basis," which will authorize the County to pay employees on a bi-weekly pay scheduled. County Counsel requested that should the Board wish to proceed with the ordinance that today's motion include "waiving the first reading of the ordinance" in addition to scheduling the enactment. There was no one from the public wishing to address this issue and the Chairperson closed the public hearing at 11:32 a.m. Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to waive the first reading of the ordinance and schedule the enactment for 11:30 a.m., on Tuesday, June 25, 2013 in the Board of Supervisors Room, at the County Administrative Center, in Independence.
County Counsel/ Ordinance Deleting Judicial District Code	The Chairperson opened the public hearing at 11:35 a.m., on an Ordinance titled "An Ordinance of the County of Inyo, State of California, Deleting Chapter 1.16 of the Inyo County Code which Established the Inyo County Judicial District," which will delete Chapter 1.16 of the Inyo County Code. Mr. Randy Keller, County Counsel, asked that should the Board wish to continue with this ordinance that today's motion include "waiving the first reading of the ordinance" in addition to scheduling the enactment. He explained that the State Constitution no longer provides for a justice court and associated Judicial District and Chapter 1.16 is no longer authorized or valid. He also explained that this action will delete the position of Constable and Justice Court Judges because there is no longer authority for the position. He said that when the justice courts were deleted from the California Constitution the position of Constable was also deleted and individuals holding the position of Constable became Marshals by action of law. Mr. Floyd Barton, addressed the Board to oppose the deletion of the portion of Chapter 1.16 that deletes the Constable.

Mr. Barton argued that the Constable is an elected position of the County and he believes that Measure A should apply to the elimination of the position to give the voters of the County a voice in the decision. He said that he still performs the duties of Marshal and believes that the position has validity. Mr. Barton explained that in 2008 he ran for and was elected Marshal in Inyo County. He said that he took office in January 2009 and in September 2009 he was summoned to a meeting with County Counsel, County Administrative Officer and two judges where he was informed that the position of Marshal did not exist because of a 2002 law that unified the Municipal Courts into the State Superior Court System and eliminated the Court position of Marshal. He said he was told that the office of Marshal should not have been included on the ballot for the election in 2008 and he was not the Marshall. Mr. Keller provided additional information on the actions the State took that eliminated the Constable and subsequent actions that eliminated the Marshal. He said that the State Constitution was amended in 1996 to eliminate the Judicial Districts and the Constable positions from the California Constitution. He said that at that time the Judicial Court positions were rolled into the Municipal/Superior Court System and the Constable became the Marshal. He said that when the Municipal Courts and Superior Courts were unified the Marshall position, which was a Court position, was eliminated in all jurisdictions that did not take action to keep the position, which included Inyo County. Mr. Keller went on to explain that the issue of the existence of the office of Constable is separate from that of Marshall and the Board's actions to delete Chapter 1.16 of the County Code does not preclude further discussion on the argument of whether there is or is not a Marshall in Inyo County. Ms. Kammi Foote, Clerk-Recorder, provided additional information regarding the actions recommended by then Clerk-Recorder Mary Roper and approved by the Board in 2009 to correct the "Statement of Votes Cast" for the 2008 election to reflect the deletion of the reference to Marshal. The Board, Mr. Barton and staff continued to discuss the issues raised by Mr. Barton. The Chairperson closed the public hearing at 12:20 p.m. In a response to a question from the Board, Mr. Keller explained that by waiving the first reading of the ordinance the Board still had the opportunity to discuss and choose not to enact the ordinance next week. Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to waive the first reading and schedule the enactment for 11:30 a.m., Tuesday June 25, 2013 in the Board of Supervisors Room, at the County Administrative Center, in Independence. Motion carried unanimously.

Recess/
Reconvene

The Chairperson recessed the regular meeting at 12:25 p.m., to convene in closed session at 1:00 p.m., with all Board Members present.

Closed Session

The Board convened in closed session to discuss and take action as appropriate on Agenda Items No. 26. **PERSONNEL [Pursuant to Government Code §54957]**. Public Employee Evaluation – Title - County Administrative Officer; No. 27. **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. 28. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Deputy Sheriffs Association (DSA) - Negotiators: Labor Relations Administrator Sue Dishion; Information Services Director Brandon Shults and Planning Director Josh Hart.

Recess/
Reconvene

The Chairperson recessed closed session at 2:05 p.m., to convene at 2:10 p.m. as the Board of Equalization (see separate minutes.) The Chairperson reconvened the regular meeting in open session at 2:20 a.m., with all Board Members present.

BofS/SNC Update

Ms. Dana Stroud, Mount Whitney Area Representative for the Sierra Nevada Conservancy, offered the apologies of Ms. Julie Bear, Mt. Whitney Area Manager for the Sierra Nevada Conservancy, who had intended to make today's presentation, explaining that Ms. Bear was on evacuation watch due to the Carstens Fire. Ms. Stroud made a power point presentation that updated the Board in detail on Conservancy Investments in Inyo County. She said that Inyo County has received \$1.2 million to support 12 projects in the area. She talked about future grant opportunities, and the Brownfields projects. Mr. Doug Thompson, President of the DMRC&D, addressed the Board to talk about what the SNC has provided to the area.

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 3:00 p.m., to reconvene in closed session to continue deliberations on previous noted closed session items.

Report on Closed Session The Chairperson recessed closed session at 4:45 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 regular meeting at 4:45 p.m. to 9:00 a.m., Tuesday, June 25, 2013 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