

# MINUTES

# County of Inyo Board of Supervisors

**February 18, 2014**

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 Tuesday, February 18, 2014, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Rick Pucci presiding, Linda Arcularius, Jeff Griffiths, 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(a)] – Eric Hugelman v. County of Inyo, Inyo County District Atty., et al.** Inyo County Superior Court Case No. SICVCV11-52515; No. 3. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(d)(1)] – Tanya Solesbee v. County of Inyo, et al.,** United States District Court Eastern District of California Case No. 1:13-cv-01548 AWIJLT; No. 4. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(d)(1)] – Travis Summers v. County of Inyo, Inyo County Sheriff's Department, Bill Lutz, Chad Reiger 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; No. 5. **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; No. 6. **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. 7. **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. 8. **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. 9. **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; and No. 10. **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
- Recess/  
Reconvene      The Chairperson recessed the regular meeting at 10:00 a.m., to reconvene in open session at 10:05 a.m., with all Board Members present.
- Pledge      Supervisor Arcularius led the Pledge of Allegiance.
- Public Comment      The Chairperson announced the public comment period and there was no one from the public wishing to address the Board.

County Department Reports	The Chairperson announced the County Department Report Period. The County Administrator reported that because of the State's declaration of an emergency, there are SBA loans available to businesses and individuals. The Director of Health and Human Services, Ms. Jean Turner updated the Board on Service Redesign in the Senior Program and reminded everyone about the Annual Volunteer Dinner. Ms. Kammi Foote, Clerk-Recorder, reported that electronic filing of 700 Forms is now available. The Planning Director, Josh Hart, provided the Board with draft correspondence concerning the Forest Plan Update/Revision that the Board will be considering at next week's Board Meeting.
Museum/L.P. Film Festival Grant Funds	Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to approve the payment to Southern Inyo Community Foundation for the 2013 Lone Pine Film Festival a 2013-14 Community Project Sponsorship Grant Project in the amount of \$3,000. Motion carried unanimously.
HHS-Behavioral Hlth. Serv./County Villa Merced Contract Amendment	Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to approve Amendment No. 1 to the Contract between the County of Inyo and County Villa Merced Behavioral Health (for residential placement for adults in a locked facility) increasing the amount by \$35,000, for a total not to exceed \$70,000 for the period of July 1, 2013 through June 30, 2014; and authorize the Chairperson to sign. Motion carried unanimously.
Planning/Salas O'Brien Contract	Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to A) declare Salas O'Brien a sole-source provider of energy efficiency consulting services; and B) approve the Contract between the County of Inyo and Salas O'Brien for energy efficiency consulting services to assist in research funding opportunities and establishing a plan for energy efficiency revolving loan fund, in an amount not to exceed \$26,430 contingent upon the Board's adoption of future budgets, for the period of January 28, 2014 through December 31, 2014; and authorize the Chairperson to sign contingent upon authorization from Southern California Edison to proceed. Motion carried unanimously.
Elected Officials Base Salary Adjustment	<p>The County Administrator explained that the following items each address the base salary for the various elected positions in Inyo County. He reviewed the Elected Officials Salary Adjustment Policy which the Board adopted on February 4, 2014. He explained that the policy calls for a review of the base salaries prior to the next election, with any adjustments being effective when the new term begins in January. He went on to say that the process is being compressed this year in order to provide possible candidates for the upcoming election with the appropriate salary information. Mr. Carunchio also explained that this policy does not preclude the individual elected officials from bringing forward a request for individual salary adjustment at anytime. Mr. Carunchio briefly reviewed the attachments which included the 15 County salary survey that is referenced in the Policy. The Board considered the following elected officials base salary:</p> <p>The Board reviewed the base salary for the office of Treasurer-Tax Collector. They heard from the Treasurer-Tax Collector, Ms. Alisha McMurtrie, who provided information on why she thinks the base salary for the Treasurer-Tax Collector should be increased to \$115,000 per year. She noted that it has been many years since the base salary for the position has been raised, noting that in that same time frame many Appointed Department Heads positions have received increases in the base pay. She also said that in a review of the hierarchy of the County's management positions the Elected Officials salaries are not aligned properly. She noted that with the most recent equity adjustment, many of the mid-managers are now being compensated more than the Elected Officials. The Board highlighted some of the many differences between an "elected position" and an "appointed position" including that Appointed Department Heads are at will and their duties and responsibilities are dictated by the Board. The Board discussed the base salary with Ms. McMurtrie, noting that the elected positions do receive the cost of living increases that are provided to other County officials, as well as longevity. The consensus of the Board was that the current salary was higher than the average for the position on the salary survey and the base salary did not warrant an increase.</p> <p>The Board reviewed the base salary for the office of Sheriff. The County Administrator noted that the Sheriff was not making a request for an adjustment. The Board Members concurred that the base salary for the Sheriff did not warrant an increase.</p>

The Board reviewed the base salary for the office of Public Administrator/Public Guardian. Ms. Patricia Barton, PA/PG, said that she originally recommended a base salary of \$110,000, but after the discussions today she is adjusting that figure down to \$94,000. Ms. Barton provided further in depth detail about the job duties of the position and the work load that the office carries. Several Board Members expressed a desire to have a workshop on the PA/PG in order to better understand what is required of this office and asked Ms. Barton to schedule that workshop in the future. Supervisor Arcularius noted that there are only four of the fifteen counties in the survey that have an independent PA/PG, the others are encompassed in other departments like HHS. She said that she had taken the average of the two, of the four, counties that most closely align to Inyo County, in population. She said that in comparing that average with Inyo County's base salary for the position, Inyo County's salary is higher than the average. She said as such she did not believe the base salary for the PA/PG warrants an increase. The other Board members concurred and it was the consensus of the Board that the base salary for the PA/PG does not warrant an increase.

The Board reviewed the base salary for the office of District Attorney. The County Administrator noted that the District Attorney was not making a request for an adjustment. The Board Members concurred that the base salary for the District Attorney did not warrant an increase.

The Board reviewed the base salary for the office of Clerk-Recorder. Supervisor Arcularius noted that the Clerk-Recorder position is the one position that is paid below the average on the salary survey. She said that she believes the position should be raised by \$669 in order for the position to be paid at the average of the survey. The consensus of the Board was that the position of Clerk-Recorder should be increased to \$7,796 per month.

The County Administrator noted that staff has received nothing from the Coroner regarding the base salary for the position. The consensus of the Board was that the base salary for the Coroner does not warrant an increase.

The Board reviewed the base salary for the Auditor-Controller. Ms. Amy Shepherd, Auditor-Controller, provided additional information concerning the duties and responsibilities of the Auditor-Controller, saying that she believes the position warrants a salary of between \$110,000 and \$115,000 per year. Ms. Shepherd echoed the remarks made by Ms. McMurtrie as to why the elected officials' salaries should be increased. Ms. Shepherd provided additional information regarding the correlation between the elected officials' salaries and the appointed officials' salaries and the elected officials' positions in the hierarchy of the County structure. The Board Members noted that the base salary for the position of the Auditor-Controller is higher than the average on the salary survey. It was the consensus of the Board that the base salary for the Auditor-Controller does not warrant an increase.

The Board reviewed the base salary for the Assessor. Mr. Tom Lanshaw, Assessor, acknowledged the recent salary increase his position has received in the past month. He went on to explain why he believes the position should be paid a higher wage, and provided the Board with information concerning the position of the elected officials salaries in comparison to the appointed officials salaries, echoing the remarks made by Ms. McMurtrie and Ms. Shepherd. The consensus of the Board was that the base salary for the position of Assessor does not warrant an increase.

After the discussions with the individual elected officials concerning the base salary for their positions, the Board continued to discuss and review the information provided concerning the base salary for elected officials. Moved by Supervisor Arcularius and seconded by Supervisor Tillemans to adjust the salary of the Clerk-Recorder to the average reflected in the 15 County Survey to a monthly amount of \$7,976 effective January 6, 2015 and direct staff to begin the multi-step process to amend the Elected Officials Salary ordinance to reflect this change, as well as other changes that may be deemed necessary by staff to Inyo County Code Section 2.88 – Officials Salaries and Expenditures. Motion carried unanimously.

Recess/  
Reconvene

The Chairperson recessed the regular meeting at 12:30 p.m., to reconvene at 1:30 p.m., with all Board Members present, except Supervisor Pucci who was absent, with the Vice Chairperson, Supervisor Matt Kingsley presiding as Chairperson.

HHS-Behavioral Hlth. Serv./Alpine Counseling Contract	Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to ratify the Contract between the County of Inyo of Inyo and Alpine Counseling Center for the provision of addiction treatment services in an amount not to exceed \$10,319.50 for the period of January 1, 2014 through June 30, 2014; and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Pucci absent.
Resol. #2014-10/ Sustainable Communities Grant	The Planning Director, Mr. Josh Hart, provided additional information and further justification for authorization to submit a Grant Application for a Sustainable Communities Planning Grant. On a motion by Supervisor Arcularius and a second by Supervisor Griffiths, to approve a resolution authorizing the filing of an application in response to the 2013 Request for Proposals for the Sustainable Communities Planning Grant and Incentives Program issued by the State of California strategic Growth Council; motion unanimously passed and adopted, with Supervisor Pucci absent
Emerg. Serv./D. V. Roadeater Emerg.	The County Administrator recommended that the D.V. Roadeater Emergency be continued. Moved by Supervisor Tillemans and seconded by Supervisor Arcularius 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, with Supervisor Pucci absent.
Emerg. Serv./Gully Washer Emerg.	The County Administrator recommended that the Gully Washer Emergency be continued. Moved by Supervisor Tillemans and seconded by Supervisor Arcularius 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. Motion carried unanimously, with Supervisor Pucci absent.
Emerg. Serv./ Canyon Crusher Emergency	The County Administrator recommended that the Canyon Crusher Emergency be continued. Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to continue the local emergency, The Canyon Crusher Emergency that resulted in flooding in the portions of Inyo County during the month of August, 2013. Motion carried unanimously, with Supervisor Pucci absent.
Emerg. Serv./Land of Even Less Water Emergency	The County Administrator recommended that the local drought emergency be continued. Moved by Supervisor Arcularius and seconded by Supervisor Griffiths 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. Motion carried unanimously, with Supervisor Pucci absent.
Report on Closed Session	The Chairperson asked for a report out of closed session. County Counsel reported that Agenda Items 2, 5, 6, 7, 8, 9, and 10 had been withdrawn. County Counsel reported that with regard to Agenda Item No. 3. <b>CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(d)(1)] – Tanya Solesbee v. County of Inyo, et al.</b> , United States District Court Eastern District of California Case No. 1:13-cv-01548 AWJLT; the Board in a unanimous vote, with Supervisors Arcularius, Griffiths, Pucci, Tillemans and Kingsley voting yes, directed County Counsel to accept service by mail from the U.S. Marshall, directed County Counsel to defend the County in this matter; and directed County Counsel to not defend Robert Mayhugh in accordance with Government Code Section 995.2. County Counsel reported that with regard to Agenda Item No. 4. <b>CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(d)(1)] – Travis Summers v. County of Inyo, Inyo County Sheriff's Department, Bill Lutz, Chad Reiger R. Durbin, Rochelle Evans, B. Madera, Don Carter, R. Reinee, Gabe Hicks and DOES 1-20, inclusive</b> , Inyo County Superior Court Case No. SICVCV12-54534; the Board in a unanimous vote, with Supervisors Arcularius, Griffiths, Pucci, Tillemans and Kingsley to direct County Counsel to defend all named County defendants.
Board Members and Staff Reports	The Board Members reported on their activities during the preceding week, including an Independence Civic Club Meeting, Inyo Associates, Big Pine Fire Safe Council Meeting, a CSAC Board of Directors Meeting, a Great Basin Settlement, a Keeler CSD Meeting, and an upcoming LTC Meeting. The County Administrator provided the Board with a copy of the updated vacancy list and updated the Board on the availability of group baseball tickets for a Giants vs. Dodgers game.
Public Comment	The Chairperson announced the public comment period and there was no one from the public wishing to address the Board.

Adjourned

The Chairperson adjourned the regular meeting a 2:15 p.m., to 8:30 a.m., Tuesday, February 25, 2014, 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*