

# MINUTES

# County of Inyo Board of Supervisors

**March 25, 2014**

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:30 a.m., on Tuesday, March 25, 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. Mr. Rick Phelps of the High Sierra Energy Foundation updated the Board on the Eastern Sierra Energy Initiative which is a local government partnership with Southern California Edison, saying that this spring SCE will implement the Direct Install program for small businesses.

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(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. 3. CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code § 54957.6].** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Deputy Sheriff's Association (DSA) - Negotiators: Labor Relations Administrator, Sue Dishion, Information Services Director, Brandon Shults, and Planning Director Josh Hart; No. 4. **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. 5. **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. 6. **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 (ICPPOA) - 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: ICEA - Negotiators: Labor Relations Administrator Sue Dishion, and Information Services Director Brandon Shults; and No. 8. **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.

Pledge                      Supervisor Arcularius led the Pledge of Allegiance.

Public Comment      The Chairperson announced the public comment period. Mr. Skandar Reid of Bishop addressed the Board to ask if the people in the southeastern portion of the County have to pay for their waste disposal and if the Darwin dump is illegal. Mr. Reid went on to commend the Board Members for their commitment to public service and to apologize for recent personal remarks various individuals had made and which were reported in several local media outlets which he believed were uncalled for. Mr. Philip Anaya, Bishop Resident addressed the Board to talk about the REGPA and the presentation Bill Powell made at an Owens Valley Committee fund raiser concerning renewable energy. Mr. Anaya provided the Board with an electronic copy of the presentation. Mr. Anaya went on to advise the Board of a potential violation of the Long Term Water Agreement regarding water being provided to the ranch leases.

County Department Reports	The Chairperson announced the County Department Report period. The Agricultural Commissioner, Mr. Nate Reade reported on programs to help ranchers who are impacted by the drought and that AB 2004 is legislation that will restore Weed Management Area funds. Ms. Susanne Rizo, Director of Child Support Services, updated the Board on department activities. Ms. Pam Hennarty, Sr. Deputy County Administrator, updated the Board on public outreach and education on the changes in the Solid Waste Program. Dr. Bob Harrington, Water Director, alerted the Board to activities concerning potential legislation on sustained groundwater management in California. The County Administrator reported on local High Schools civics and economics classes visits to the County seat to see how local government works. He said that the message he tried to impart to the students was that they can make a difference by participating. He said he explained how it was staff's role to make recommendations, and more importantly that it was staff's responsibility to carry out the policies of the Board. He said he also talked about the deliberative process and the Board's role in making decisions and how collectively the Board's decisions prove to be correct. The Clerk-Recorder, Ms. Kammi Foote, updated the Board on department and election activities.
Report on Closed Session	County Counsel made the following report on closed session: with regard to Agenda Item No. 2. <b>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</b> , Superior Court of the State of California for the County of Los Angeles, BC498144; the Board in a unanimous vote, with Supervisors Arcularius, Griffiths, Pucci, Tillemans and Kingsley voting yes, gave direction to Counsel to file a cross complaint against Prominent Systems, as well as giving other directions; with regard to Items 3 through 8 regarding negotiations with labor unions, instructions were given to the negotiators.
CAO-Service Redesign Update	The County Administrator made opening remarks regarding the County's structural budget deficit which necessitated the idea of Service Redesign. Mr. Carunchio introduced Dr. Frank Benest who updated the Board in detail and at length on the ongoing Service Redesign efforts, including noting a couple of the pilot projects that have already been approved, i.e., the Landfill changes and the Elections Volunteer Worker Program. He introduced spokespersons from each of the teams that were established to focus on the various areas of County government, i.e., children's services, general services, public contracting, human services, criminal justice, and public safety, who provided the Board with a brief overview of the service redesign proposals each team is exploring. The County Administrator thanked Dr. Benest for his invaluable efforts on the County's behalf. Mr. Carunchio reviewed the process as it moves forward, saying that he expects many of the ideas being explored to be finalized and brought forward for Board action in the near future. He asked the Board for its endorsement of service redesign, without making a formal motion. The consensus of the Board Members was that they were interested in pursuing service redesign efforts and looked forward to the Service Redesign proposals coming forward in the near future for the Board's consideration. Mr. Philip Anaya, Bishop Resident, addressed the Board to recommend that a member of the public be included in this process.
Recess/Reconvene	The Chairperson recessed the regular meeting at 12:30 p.m., noting that the Board would be attending a reception in the lobby of the County Administrative Center to recognize redesign efforts to date. The Chairperson reconvened the regular meeting in open session at 1:00 p.m., with all Board Members present.
Motor Pool/Truck P.O.	Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to rescind the January 7, 2014 Board Order authorizing the purchase of one ¾ ton cab and chassis vehicle from Bishop Ford in the amount of \$26,123.67; and award the bid for and approve the purchase of one ¾ ton cab and chassis vehicle to Bishop Ford in the amount not to exceed \$27,957.50. Motion carried unanimously.
Planning/Daniel B. Stephens Contract Amendment	Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to approve Amendment No. Seven to the Contract between the County of Inyo and Daniel B. Stephens & Associates, Inc., for the provision of hydrologic analysis services, extending the Contract term to September 30, 2014; and authorize the Chairperson to sign. Motion carried unanimously.

P.W./Owenyo Services Contract Amendment No. 11	Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to approve Amendment No. 11 to the Contract between the County of Inyo and Owenyo Services for the operation and maintenance of the Independence, Laws, and Lone Pine town water systems, extending the contract term through June 30, 2014, unless terminated earlier; and increasing the Contract by \$80,957.49 to a total contract amount not to exceed \$2,293,796.65; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
Ag. Comm./ 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 seasonal Field Assistant position exists, as certified by the Agricultural Commissioner, and concurred with by the County Administrator and Auditor-Controller; B) where due to the seasonal nature of the position it is unlikely that the position could be filled by internal candidates meeting the qualifications for the position, an open recruitment would be appropriate to ensure qualified applicants apply and C) approve the hiring of one Field Assistants I at Range 050PT (\$13.90 - \$16.87 per hour) contingent upon the Board's adoption of future budgets, beginning May 1 and working through October 1. Motion carried unanimously.
Probation/MedTox Labs P.O.	Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to A) approve a blanket purchase order in the amount of \$21,600 to MedTox Laboratories for urine analysis testing; and B) amend the FY 2013-14 Probation-General Budget Unit 023000 by increasing estimated revenue in State Other ( <i>revenue Code #4499</i> ) by \$13,100 and increasing appropriations in Professional Services ( <i>Object Code 5265</i> ) by \$13,100. Motion carried unanimously.
Resol. #2014-19/ County Counsels Records Retention	On a motion by Supervisor Arcularius and a second by Supervisor Kingsley, Resolution No. 2014-19, titled "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Approving County Counsel's Records Retention Schedule" was approved: motion unanimously passed and adopted
Emerg. Serv./D.V. Roadeater Emerg.	The County Administrator recommended that the D.V. Roadeater Emergency be continued. Moved by Supervisor Kingsley 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.
Emerg. Serv./Gully Washer Emerg.	The County Administrator recommended that the Gully Washer Emergency be continued. Moved by Supervisor Tillemans and seconded by Supervisor Griffiths 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.
Emerg. Serv./ Canyon Crusher Emergency	The County Administrator recommended that the Canyon Crusher Emergency be continued. Moved by Supervisor Tillemans and seconded by Supervisor Kingsley 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.
Emerg. Serv./Land of Even Less Water Emergency	The County Administrator recommended that the Land of Even Less Water Emergency be continued. Moved by Supervisor Griffiths and seconded by Supervisor Tillemans 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.
BofS/Minute Approval	Moved by Supervisor Tillemans and seconded by Supervisor Kingsley to approve the minutes of the Board of Supervisors Meeting of March 11, 2014. Motion carried unanimously.
P.W./Animal Shelter Update	The Board received an update on the status of the project to construct new animal shelter facilities from the Deputy Public Works Director, Mr. Jim Tatum. Mr. Tatum reviewed the revised timeline for the project and introduced Mr. Ted Shade, the President of ICARE. Mr. Shade updated the Board on the organization's fundraising efforts today. He provided a recap of the total funding available for the project explaining that the 2013-14 County Budget has \$200,000 allocated for a project, that the Sheriff's Animal Shelter Trust Fund has \$175,000, ICARE has raised \$258,000 for the project and the ICARE Board has allocated \$96,000 for the project, for a total amount of \$729,000. The Board congratulated Mr. Shade and ICARE for their stellar effort on behalf of this project, indicating their pleasure in seeing this project move forward.

- Recess/  
Reconvene                    The Chairperson recessed the regular meeting at 1:25 p.m., to reconvene in open session at 1:32 p.m., with all Board Members present.
- Planning/Little Lake  
Appeal of Continued  
Pumping for Coso  
Hay Ranch.                    The Chairperson opened the public hearing at 1:32 p.m., to consider Appeal No. 2014-01 by Little Lake Ranch, LLC, of the Planning Commission's decision to uphold the Inyo County Water Department's approval to continue pumping under Conditional Use Permit 2007-03/Coso Hay Ranch Water Extraction and Delivery System. Ms. Elaine Kabala, Associate Planner, reviewed the staff report and recommendations and at the conclusion of her remarks requested that the report and all of the attachments be entered into the record. It was marked Exhibit A. Ms. Kabala also requested that the additional correspondence received from Mr. Gary Arnold on behalf of the Appellant, be entered into the record and it was marked Exhibit B. The Board heard from Dr. Bob Harrington, Inyo County Water Director, who reviewed in detail and at length the statistics and data that was used to substantiate the Department's decision to allow pumping to continue at the Coso Hay Ranch. At the conclusion of his comments, Dr. Harrington requested that the copy of Table No. 2 - Hay Ranch Project Groundwater Baselines and Trigger Levels dated March 2014, that Dr. Harrington had provided to the Board during his discussion, be entered into the record and it was marked Exhibit C. Dr. Harrington confirmed that under the Conditional Use Permit, Coso's pumping at the Hay Ranch will cease on June 30, 2014. Dr. Harrington also confirmed that LADWP will be subject to CEQA should they want to establish a project to also pump from Rose Valley, and the cumulative effects will have to be addressed for that project at that time. Mr. Neil Blandford of Daniel B Stephens & Associates, reviewed the hydrological analysis for the project. At the conclusion of his remarks Mr. Blandford requested that his presentation Effects of Coso Groundwater Pumping on Groundwater inflow to Little Lake dated March 22, 2014 be entered into the record and it was marked Exhibit D. Mr. Gary Arnold representing Little Lake Ranch, LLC, reviewed the reasons for the Appeal, noting the specific items addressed in the correspondence that accompanied the appeal, saying that he disagrees with the interpretation of the data by Dr. Harrington, as well as the inconsistencies of the interpretation of the trigger levels that were applied. Mr. Arnold also noted the concern with the City of Los Angeles Department of Water and Power's plans to also pump in the Rose Valley area. Ms. Charity Schiller of Best, Best, and Kreiger and the attorney for Coso addressed the Board to support the Water Department's decision to allow pumping to continue until the end of June 2014. Mr. Chris Ellis, General Manager of Coso Geothermal, addressed the Board to support the decision and to talk about what the Company is doing to preserve water in recognition of the current drought conditions and in consideration of future water resource needs. The Board and staff discussed the information provided during today's hearing, with several Board Members noting that the pumping is only going to continue through the end of June of this year. Dr. Harrington confirmed that the data accumulation and analysis concerning the recharge of the aquifer after the pumping stops will continue for a significant amount of time. The Chairperson closed the public hearing at 3:25 p.m. Moved by Supervisor Kingsley and seconded by Supervisor Arcularius to find that there is substantial evidence to support the decision of the Planning Commission affirming the decision of Dr. Harrington and that the Planning Commission's decision is upheld and the appeal is denied. Motion carried unanimously.
- Board Members and  
Staff Reports                    The Board Members reported on their activities during the preceding week, including an EMCC Meeting, and Interagency Visitors Center Meeting, a Tecopa community pot luck, and ESCOG meeting, a Bishop City Council Meeting, Big Pine Tribe Consultation request, A Big Pine Civic Club Meeting, Inyo Associates, Big Pine Fire Safe Council Meeting, a Cattleman's Association Meeting, an upcoming Inyo First Five Commission Meeting, and LTC Meeting. The County Administrator reported on EMS Meetings, and about the AOC Site selection.
- Public Comment                    The Chairperson announced the last public comment period and there was no one from the public wishing to address the Board.

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Chairperson, Inyo County Board of Supervisor

Attest: *KEVIN D. CARUNCHIO*  
*Clerk of the Board*

by: \_\_\_\_\_  
*Patricia Gunsolley, Assistant*