

# MINUTES

# County of Inyo Board of Supervisors

April 15, 2014

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:00 a.m., on Tuesday, April 15, 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. Ms. Sally Manning, Bishop Resident, began reading a letter into the record from the Owens Valley Committee. A portion of the letter pertained to Item No. 25 on today's agenda concerning instructions to the County's representatives to the Inyo/LA Standing Committee regarding the upcoming agenda and the Blackrock 94 Dispute. The Board requested that Ms. Manning make her comments when the Board addressed that item later in the meeting. Ms. Daris Moxley of Bishop also said that she wanted to make comments about the Blackrock Dispute and she too was asked to hold her comments until the item comes before the Board.
- Closed Session            The Chairperson recessed open session at 8:10 a.m., to convene in closed session, with all Board Members present to discuss and stake action as appropriate on Agenda Items No. 2. **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. 3. **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. 4. **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. 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 (ICPPOA) - 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: ICEA - Negotiators: Labor Relations Administrator Sue Dishion, and Information Services Director Brandon Shults; No. 7. **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; and No. 34A. **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.
- Pledge                        The Chairperson recessed closed session at 8:25 a.m., to reconvene in open session at 8:30 a.m., with all Board Members present. 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.

Emerg. Serv./D.V. Roadeater Emerg.	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, as recommended by the County Administrator. Motion carried unanimously.
Emerg. Serv./Gully Washer Emerg.	Moved by Supervisor Kingsley 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, as recommended by the County Administrator. Motion carried unanimously.
Emerg. Serv./Canyon Crusher Emerg.	Moved by Supervisor Kingsley and seconded by Supervisor Arcularius 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, was recommended by the County Administrator. Motion carried unanimously.
Public Defender/ Contract Amendments	Moved by Supervisor Kingsley and seconded by Supervisor Arcularius to approve Amendment No. 1 to the Contracts between the County of Inyo and the following for public defender services deleting the provisions stated in paragraphs 10 – Workers Compensation and 11 – Insurance, and adding Exhibit E – Insurance Requirements for Professional Services; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained: Sophie C. Bidet; Kristine Eisler and Josh Hillemeier. Motion carried unanimously.
Planning/CAJA Environmental Contract Amendment	Moved by Supervisor Kingsley and seconded by Supervisor Arcularius to approve Amendment No. 1 to the Contract between the County of Inyo and CAJA Environmental Services for the provision of environmental services for the EIR for the Northland Power Independence, LLC Solar Project, to specify per diem and travel cost reimbursements; and authorize the Chairperson to sign. Motion carried unanimously.
P.W./ISL Engineering Amendment 2	Moved by Supervisor Kingsley and seconded by Supervisor Arcularius to approve Amendment No. 2 to the Agreement between the County of Inyo and ISL Engineering, Inc., extending the ending date of the Contract from May 5, 2014 to December 31, 2014; and authorize the Chairperson to sign. Motion carried unanimously.
P.W./Heating Equipment P.O.	Moved by Supervisor Kingsley and seconded by Supervisor Arcularius to award the bid and approve the purchase of heat equipment for the Statham Hall Building in Lone Pine, from Technology International, Inc. of Lake Mary Florida, in an amount not to exceed \$39,110.10. Motion carried unanimously.
Resol. #2014-22/ Labor Compliance Program	On a motion by Supervisor Kingsley and a second by Supervisor Arcularius, Resolution No. 2013-46 that adopted the Inyo County Labor Compliance Program is rescinded; and Resolution No. 2014-22 approving and adopting the revised Labor Compliance Program for Inyo County is enacted: motion unanimously passed and adopted.
P.W.Astro Painting Co. Contract American Legion Hall	Moved by Supervisor Kingsley and seconded by Supervisor Arcularius to approve the Contract between the County of Inyo and Astro Painting Company for the repair and replacement of the existing stucco and the repainting/refinishing of the existing doors and windows at the Independence American Legion Hall in an amount not to exceed \$13,500; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
P.W./Cold Mix Asphalt P.O.	Moved by Supervisor Kingsley and seconded by Supervisor Arcularius to declare Wulfenstein Construction Company a sole source provider of cold mix asphalt and authorize the purchase of 150 tons of cold mix asphalt from Wulfenstein Construction Company in an amount not to exceed \$13,365. Motion carried unanimously.
P.W./Hertz Equipment Rental Contract Amendment	Moved by Supervisor Kingsley and seconded by Supervisor Arcularius to approve and ratify the Amendment to the Contract with Hertz Equipment Rental for rental equipment to expedite emergency road openings in the southeastern portion of the County, increasing the contract amount by \$100,000 to an amount not to exceed \$400,000; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.

Sheriff/DEA Cannabis Suppression Program Letter	Moved by Supervisor Kingsley and seconded by Supervisor Arcularius to approve the 2014 Domestic Cannabis Eradication/Suppression Program Letter of Agreement in the amount of \$10,000, contingent upon the Board's adoption of future budgets; authorize the Sheriff to sign the agreement; and authorize the Assistant Treasurer-Tax Collector to sign on behalf of the Treasurer-Tax Collector as the authorized agency representative to enable electronic fund transfer when available. Motion carried unanimously.
Sheriff/U.S. Forest Service Controlled Substance Operation Plan	Moved by Supervisor Kingsley and seconded by Supervisor Arcularius to approve the Application for the 2014 Financial & Operation Plan for Controlled Substance Operations U.S. Forest Service reimbursement in the amount of \$7,769.24, contingent upon the Board's adoption of a FY 2014-15 Budget; and authorize the Sheriff and the Chairperson to sign the Agreement and all necessary documents.
Water/Ecosystem Sciences Contract Amendment	Moved by Supervisor Kingsley and seconded by Supervisor Arcularius to approve Amendment No. 1 to the Contract between the County of Inyo and Ecosystem Sciences, Inc., to revise the scope of work under Task 4 of the 2013-14 Contract, to allow Ecosystem Sciences to pay up to \$1,200 in honorariums to fishermen who participate in and complete a creel census to be held in May of 2014, allow Ecosystem Sciences to bill \$144 for administrative labor and expenses needed to complete this task by moving \$1,344 from Task 7 to Task 4 for the creel census; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
Water/Standing Comm. Mtg. Agenda	Dr. Bob Harrington reviewed the items on the upcoming Inyo/Los Angeles Standing Committee Meeting Agenda for the meeting to be held April 22, 2014 in Los Angeles. The Board and Dr. Harrington discussed the action items identified on the Agenda in detail and at length. The Board heard from Ms. Sally Manning who reviewed the letter from the Owens Valley Committee wherein the Committee is requesting that the Agenda not include a discussion of the resolution of the Blackrock 94 Dispute. The Board also heard from Ms. Daris Moxley who provided the Board with a letter and made remarks questioning moving forward with a resolution of the Blackrock 94 Dispute and from Mr. Philip Anaya who also questioned how this matter was handled at the Technical Group Meeting and suggesting that the Board take no action on providing direction to the representatives to the Standing Committee until after this evenings Water Commission Meeting. The Board continued the discussion on this item to later in the meeting in order for staff to provide the information from the Technical Group Meeting.
Resol. #2014-23/ County Treasury Loan Ag Building	On a motion by Supervisor Arcularius and a second by Supervisor Kingsley, Resolution No. 2014-23 titled "A Resolution of the Inyo County Board of Supervisors, Authorizing and Approving an Inyo County Treasury Bridge Loan to the Inyo Mono County Agricultural Commissioner's Office," is approved: motion unanimously passed and adopted
P.W./Ag Building Neg. Dec. – Bid and Budget Amendment	Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to A) make the following findings as recommended by the Planning Commission for the Negative Declaration: (1) that the project will not have a significant effect on the environment; (2) that the Negative Declaration reflects the County's independent judgment and analysis; (3) specify that the Inyo/Mono Agricultural Commissioner is the custodian and the location of the documents and other material which constitute the record of proceedings upon which the decision is based; (4) adopt the Negative Declaration for the Inyo and Mono Counties Agriculture Department (Ag. Dept.) Storage Building Project and (5) certify that the provisions of the California Environmental Quality Act have been satisfied; B) award and approve the Contract for the Ag Dept. Storage Building Project to Rudolph Construction, Inc., in the amount of \$567,621, and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained; C) authorize the 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) amend the FY 2013-14 Agriculture Commissioner Budget Unit 02330 by increasing estimated revenue in Other Agency ( <i>Revenue Code #4599</i> ) by \$248,597; Operating Transfer In ( <i>Revenue Code #4998</i> ) by \$284,948 and Loan Proceeds ( <i>Revenue Code #4990</i> ) by \$100,000; and increasing appropriations in Structures and Improvements ( <i>Object Code #5640</i> ) by \$633,545. Motion carried unanimously.

P.W./Town Water System Wilder Barton Contract	The Board received a report on the Town Water Systems from the Public Works Director. The Board and staff discussed the systems, the proposed operations changes, and the savings that may be accumulated as a result of the changes. Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to direct staff to negotiate a contract with Wilder Barton, Inc., to operate the County owned Lone Pine, Independence and Laws Town Water Systems and to implement a transition plan for the operations. Motion carried unanimously.
Forest/Forest Plan Update	Mr. Ed Armenta, Inyo National Forest Supervisor, updated the Board on the Inyo Forest Plan Update/Revision MOU. Mr. Armenta talked about some of the challenges that were encountered by both parties as the MOU was being developed, including key staffing changes and that the Regional Forester has provided for an extension in the timelines that were originally established. The Board and Mr. Armenta briefly discussed the Plan and the MOU, with the Board thanking Mr. Armenta and the local Forest Service Staff for their work on the MOU.
Planning/Forest Plan Update MOU	The Planning Director, Mr. Josh Hart provided information about coordination with Forest Service staff regarding the Inyo National Forest Plan Update/Revision. Mr. Hart went on to review the Memorandum of Understanding in regards to the Update. The Board expressed their pleasure in finally have the MOU in final format. Moved by Supervisor Arcularius and seconded by Supervisor Griffiths to approve the MOU between the County of Inyo and the Inyo National Forest pertaining to the Inyo National Forest Plan Update/Revision and authorize the Chairperson to sign. Motion carried unanimously.
Water/Standing Comm. Mtg. Agenda	The Board continued its discussion regarding the agenda for the upcoming Standing Committee Meeting. County Counsel clarified what was provided at that Meeting and provided the public with a copy of the County's proposed resolution titled <u>Outline of Terms of a Proposed Resolution of the Blackrock 94 Dispute</u> . Ms. Kemp-Williams also clarified that the Blackrock 94 Dispute is a lawsuit titled <u>City of Los Angeles, Department of Water and Power of the City of Los Angeles v. Inyo County Board of Supervisors, et al.</u> Inyo County Superior Court Case No. 12908, which is being arbitrated per the terms of the Long Term Water Agreement. She went on to explain that the County is following the dictates and time line requirements of the Arbitration Panel with regard to the resolution of the matter being discussed at the Standing Committee Meeting. Dr. Harrington briefly discussed the ramifications of the County abandoning this lawsuit. The Board, staff and various members of the audience continued to discuss the items on the Agenda for the upcoming meeting. Several members of the audience continued to disagree with any resolution of the Blackrock 94 Dispute. Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to accept staff's recommendations as presented by Dr. Bob Harrington as direction to the Standing Committee Representatives on items on the Agenda for the April 22, 2014 Inyo/Los Angeles Standing Committee Meeting. Motion carried unanimously.
CAO-Solar Ranch Project Presentation	Mr. Michael Webster of Los Angeles Department of Water and Power made a presentation to the Board regarding the Department's Southern Owens Valley Solar Ranch Project. Mr. Webster's presentation and his discussions with the Board included the Department's integrated energy resource plans including current thoughts related to the Solar Ranch Project, the CEQA process, and alternatives to the proposal. The Board heard from the following members of the public, the majority of whom were opposed to this project and/or utility size solar in the Owens Valley: Mr. Ben Holgate, Ms. Jane McDonald, Ms. Mary Baker, Mr. Tom Budlong, Ms. Ileene Anderson, Mr. Steve McLaughlin, Ms. Ann Copodanno, Ms. Ilene Mandelbaum, Mr. Earl Wilson, Mr. Andy Selters, Ms. Uani Aldao, Mr. John Rothgeb, Mr. Philip Anaya, Ms. April Zrelak, and Ms. Nancy Masters. The Board made closing remarks, thanking Mr. Webster for the presentation, and encouraging DWP to keep the public informed as they move through the process.
Recess/Reconvene	The Chairperson recessed the regular meeting at 12:00 p.m., to reconvene in open session at 12:05 p.m., with all Board Members present.
Emerg. Serv./Land of Even Less Water Emergency	Ms. April Zrelak, Lone Pine Paiute Shoshone Environmental, made some specific recommendations concerning changing the language of the resolution declaring the emergency to include exclusions for utility size solar developments and other projects that might require water. She read her recommendations into the record. The Board expressed their concern with making changes that might limit the County and the citizens' ability to access federal and state aid as a result of the emergency and requested that the County Administrator agendize Ms. Zrelak's suggested language changes for the next time the local drought emergency is considered. Mr. Philip Anaya also suggested that the proclamation be amended to help Southern California Edison manage the release of water from South Lake and Sabrina.

Moved by Supervisor Arcularius 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 as recommended by the County Administrator. Motion carried unanimously.

Sheriff/Position Request

Moved by Supervisor Arcularius and seconded by Supervisor Tillemans to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the requested positions comes from the General Fund, as certified by the Sheriff and concurred with by the County Administrator and Auditor Controller; B) where it is unlikely that all of the positions could be filled through internal recruitments an open recruitment is appropriate to ensure qualified applicants apply; C) approve the internal recruitment and filling of one Corporal position at Range 070SA-070SD (\$4,511 - \$6,200); D) approving the hiring of one Deputy position at Range 67SA-67SC (\$4,107 - \$5,510) and second Deputy if both the first and second positions can be filled through lateral placement; and authorize hiring up to the D step for qualified lateral applicants; and E) approve the open recruitment and hiring of one Correctional Officer at Range 64 (\$3,735 - \$4,539). Motion carried unanimously.

Sheriff/COPS Expenditure

The Sheriff provided a copy of the revised Agenda Request Form that reflected corrections in the amount to be expended on the body cameras and the amounts in the budget amendment. Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to A) declare Dell as a sole source provider of computer servers and authorize the purchase of a Dell R520 Server for the RIMS System from Dell in an amount not to exceed \$8,997.20 including taxes; B) declare Concept Development corporation a sole source provide of robot adapter systems and authorize the purchase of a CarbonFire 10 Robot Adapter System from Concept Development Corporation in an amount not to exceed \$5,995.60, including taxes; C) award the bid to Adamson Police products for the purchase of 3 Protech FAV MKII enhanced SM01 tactile medic vests in an amount not to exceed \$7,660.98 including taxes; D) declare Digital Ally a sole source provider of body cameras and video car cameras and authorize the purchase of the following from Digital Ally: 30-FirstVu HD officer-worn body cameras in an amended amount not to exceed \$30,000 including taxes and 15-DVM 800 Digital video system car cameras in an amount not to exceed \$54,944 including taxes; E) declare Med-Eng a sole source provider of safety equipment and authorize the purchase of EOD 9 suit with visor kit and helmet from Med-Eng in an amount not to exceed \$24,895.44 including taxes; and F) amend the FY 2013-14 Sheriff's General Budget Unit 022700 by increasing estimated revenue in Citizens Options Public Safety Revenue (*Revenue Code #4488*) by the amended amount of \$132,466; and increasing appropriations in Equipment (*Object Code #5650*) by \$14,993 and Law Enforcement Special (*Object Code #5313*) by the amended amount of \$117,473. Motion carried unanimously.

Motor Pool/Vehicle Donation

Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to donate a surplus 2005 Ford Expedition, asset number 8390, license number 5LGW991 to the Olancho/Cartago Fire Department. Motion carried unanimously.

County Department Reports

Senior Deputy County Administrator, Ms. Pam Hennarty, advised the Board that the concessionaire at Diaz Lake has given the County a 30 day notice that they will no longer be providing service under the Contract. Ms. Hennarty said that staff is in the process of planning for the County reacquiring the responsibility for the Lake and she would keep the Board informed.

Board Members and Staff Reports

The Chairperson announced the County Department Report period. County Counsel noted that with regard to Item No. 22 which is the funding for the Sheriff's Cannabis Eradication/Suppression Program the Treasurer wanted it noted for the recorded that she is not the depository for the funds but will accept them. Supervisor Kingsley said that he has been notified that the FBO at the Lone Pine Airport has given their notice.

Public Comment

The Chairperson announced the final public comment and there was no one from the public wishing to address the Board.

Closed Session

The Chairperson recessed open session at 12:35 p.m., to reconvene in closed session, with all Board Members present to continue discussions and possible actions on previously identified closed session items.

Report on Closed Session

The Chairperson recessed closed session at 1:34 p.m., to reconvene in open session to receive a report on closed session. County Counsel reported that with regard to Agenda Items No. 2 through 7, negotiations with various labor unions, the Board in a unanimous vote, with Supervisors Arcularius, Griffiths, Pucci, Tillemans and Kingsley voting yes, gave instructions to the negotiators; and with regard to Agenda Item No. 34A. **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; in a unanimous vote, with Supervisors Arcularius, Griffiths, Pucci, Tillemans and Kingsley voting yes, gave instructions to Counsel.

Adjournment

The Chairperson adjourned the regular meeting at 1:35 p.m., to 8:30 a.m., Tuesday, May 6, 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*