

MINUTES

County of Inyo Board of Supervisors

December 2, 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 December 2, 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.
- Post Agenda/
Closed Session County Counsel explained that as a result of an email she received last night regarding potential litigation involving a decision the Board may make later this afternoon concerning the ATV Adventure Trail System Project, therefore there is a need for the Board to consider a Post Agenda Item, to add the item to closed session. Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to find that the need to address a closed session item titled **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Pursuant to Government Code §54956.9(c))** – for discussion and advice regarding potential litigation (one case), arose after the Agenda for the December 2, 2014 Board of Supervisors Meeting was posted, and there is a need for the Board to take action on the item prior to the next regularly scheduled meeting, therefore this item is added as Agenda Item No. 10A. Motion carried unanimously.
- Closed Session The Chairperson recessed open session at 8:40 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 – ANTICIPATED LITIGATION (Pursuant to Government Code §54956.9(c))** – decision whether to initiate litigation (one case); 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 - County Administrative Officer, Kevin Carunchio, Sr. Deputy County Administrator, Pam Foster, Deputy Personnel Director, Sue Dishion, and Information Services Director, Brandon Shults; No. 4. **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: County Administrative Officer, Kevin Carunchio, Sr. Deputy County Administrator Pam Foster, Deputy Personnel Director, Sue Dishion, and Information Services Director, Brandon Shults; 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 - County Administrative Officer, Kevin Carunchio, Sr. Deputy County Administrator, Pam Foster, Deputy Personnel Director, Sue Dishion, and Information Services Director, Brandon Shults; No. 6. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Inyo County Peace Officers Association (ICPPOA) – Negotiators - County Administrative Officer, Kevin Carunchio, Sr. Deputy County Administrator, Pam Foster, Deputy Personnel Director, 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: ICEA - Negotiators - County Administrative Officer, Kevin Carunchio, Sr. Deputy County Administrator, Pam Foster, Deputy Personnel Director, Sue Dishion, and Information Services Director, Brandon Shults; 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: - County Administrative Officer, Kevin Carunchio, Sr. Deputy County Administrator, Pam Foster, Deputy Personnel Director, Sue Dishion, and Information Services Director, Brandon Shults; No. 9. **REAL PROPERTY NEGOTIATIONS - CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Pursuant to Government Code §54956.8)** – Property – 586 Central Avenue,

APN 001-065-17, Bishop, California – Negotiating Parties – County Administrator, Kevin Carunchio, Sr. Deputy County Administrator, Pam Foster, Director of Health and Human Services, Jean Turner, and Public Works Director, Clint Quilter, and property owners Gabriel Ruiz and Consuelo Moreno, Efrain Gonzales Grandados and Javier Ruiz Moreno, as joint tenants – Negotiations – Terms and Conditions; No. 10. **REAL PROPERTY NEGOTIATIONS - CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Pursuant to Government Code §54956.8)** – Property – 406 E. Line Street, APN 001-143-01, Bishop, California – Negotiating Parties – County Administrator, Kevin Carunchio, Sr. Deputy County Administrator, Pam Foster, Director of Health and Human Services, Jean Turner, and Public Works Director, Clint Quilter, and property owner The Hurd Trust – Negotiations – Terms and Conditions; and No. 10A. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Pursuant to Government Code §54956.9(c))** – for discussion and advice regarding potential litigation (one case). Supervisor Griffiths declared a conflict regarding the real property negotiations listed as items No. 9 and 10 and left the meeting at 9:25 a.m., to rejoin closed session at 9:40 a.m.

Recess/
Reconvene The Chairperson recessed closed session 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. Mr. Rick Vohl, General Manager of Bishop Waste, addressed the Board to highlight a concern as the new Franchise Agreements are being developed. He talked about the rate structure and the problems there are with competition when there is a floor rate. He provided an example of an RFP that he recently lost because he and the other local provider had bid the same price, but because of the small business discount that Bishop Waste as an entity of the larger Waste Management does not qualify for and the other did qualify for, he was unable to compete.

CAO/Eastern
Sierra Waterways
Project The Board received a presentation by Mr. Randy Short, Commissioner on the State of California Division of Boating and Waterways Commission regarding the Eastern Sierra Waterways Project. Mr. Short introduced Brandon Russell who was responsible for the visual graphics for the presentation and Mr. Dick Noles of Bishop who was instrumental in the development of the project. Mr. Short explained that the Eastern Sierra Waterways Project is geared to increase recreation opportunities for the disabled in the Eastern Sierra. He said the project is planned to build 32 disabled waterway access platforms on certain lakes and bodies of water from Bridgeport to Lone Pine, hopefully utilizing State Department of Boating and Waterways grant funding. Mr. Short and the Board discussed the project, with Mr. Short reporting that Inyo Forest Supervisor Ed Armenta was on board with the project and that he had made a similar presentation to the State Parks Commission Chairman, who was also very interested in the project. The Board thanked Mr. Short, Inyo County Administrator Kevin Carunchio, and Sr. Deputy County Administrator Pam Foster for their work on behalf of this project.

CAO-Info Serv./
Jalan Support
Services
Agreement Moved by Supervisor Arcularius and seconded by Supervisor Griffiths to approve the renewal of a support services agreement for licensed programs referred to as the JALAN Criminal Justice System from Sungard Public Sector, Inc., for the period of December 1, 2014 through November 30, 2015 in an amount not to exceed \$22,346; and authorize the Chairperson to sign the associated Software Maintenance Agreement contingent upon the appropriate signatures being obtained. Motion carried unanimously.

Resol. #2014-55/
Tire-Derived Grant On a motion by Supervisor Arcularius and a second by Supervisor Griffiths, Resolution No. 2014-55 was approved allowing Inyo County to apply for the FY 2014-15 Tire-Derived Product Grant program through Cal Recycle for the surface of the Big Pine Veteran's Memorial Walkway Project: motion unanimously passed and adopted.

Resol. #2014-56/
Bishop VFW Waste
Disposal Fee
Waiver On a motion by Supervisor Arcularius and a second by Supervisor Griffiths, Resolution No. 2014-56 was approved authorizing the waiver of up to \$500 for construction and demolition waste disposal fees at the Bishop Sunland Landfill for the Veterans of Foreign Wars of the U.S. Bishop Post 8988 (VFW): motion unanimously passed and adopted.

Clerk-Election/ Statement of Votes Cast	Moved by Supervisor Arcularius and seconded by Supervisor Griffiths to issue an order accepting the Statement of All Votes Cast at the General Election held November 4, 2014 and declare elected those offices under their jurisdiction for this election, and declare passed or failed those measures under their jurisdiction for this election, according to the number of votes for each as shown on the Statement of All Votes Cast. Motion carried unanimously.
Resol. #2014-57/ CSA #2 Sewer Rehab Prjct. Completion	On a motion by Supervisor Arcularius and a second by Supervisor Griffiths, Resolution No. 2014-57 was approved, accepting the improvements and authorize the recording of the Notice of Completion for the CSA #2 Sewer Rehabilitation Project. Motion unanimously passed and adopted.
P.W./Amendment to ISL Engineering Contract	Moved by Supervisor Arcularius and seconded by Supervisor Griffiths to approve Amendment No. 3 to the agreement between the County of Inyo and ISL Engineering, Inc., extending the ending date of the Contract from December 31, 2014 to April 30, 2015; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
Road/Tree Removal	Moved by Supervisor Arcularius and seconded by Supervisor Griffiths to approve the removal of one tree in the road right of way at 114 N. Brewery St., in Lone Pine, the tree removal and all costs are to be borne by the property owner, Michael Bechtold. Motion carried unanimously.
Sheriff/Morpho Trust Payments	Moved by Supervisor Arcularius and seconded by Supervisor Griffiths to A) declare Morpho Trust USA, Inc., as a sole-source provider of annual maintenance for three Livescan Fingerprint machines, two machines located at the Jail Facility and one located at the Bishop PD; B) ratify the payments to Morpho Trust USA, Inc., in the amount of \$8,937 which was paid earlier in the fiscal year for the machines located at the Jail Facility; and C) authorize payment to Morpho Trust USA Inc., in the amount of \$5,281 for the annual maintenance on the machine located at the Bishop PD. Motion carried unanimously.
Sheriff/American Security Group Maintenance Agreement	Moved by Supervisor Arcularius and seconded by Supervisor Griffiths to approve the Contract between the County of Inyo and American Security Group for the provision of services, maintenance of security surveillance system equipment for the period of July 1, 2015 through June 30, 2018, in an amount not to exceed \$69,390, 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.
CAO-GIS/Avalanche Center	The Board received a presentation and update from Mr. Allen Pietrasanta of the Friends of the Eastern Sierra Avalanche Center on the operations of the Center. He explained how important the information received via the Center is to the people who utilize the backcountry for winter recreational opportunities. Mr. Pietrasanta also talked about the types of reductions in services that can be expected in the upcoming year. The County Administrator asked that the amount of the GIS contract noted on the Agenda Request Form be amended to reflect \$4,750 which is the amount the Board authorized for this contract during the budget hearing. Moved by Supervisor Griffiths and seconded by Supervisor Arcularius to approve a Grants-in-Support Contract with the Friends of the Eastern Sierra Avalanche Center in the amount of \$4,750 for FY 2014-2015; and authorize the County Administrator to sign. Motion carried unanimously.
CAO-GIS/CA Indian Legal Service	The Board received a presentation and update from Ms. Jasmine Andres on the California Indian Legal Services program. Ms. Andres reviewed the services that are provided and how the program is changing to provide service to more seniors. The County Administrator asked that the amount of the GIS contract noted on the Agenda Request Form be amended to reflect \$7,600 which is the amount the Board authorized for this contract during the budget hearing. Moved by Supervisor Griffiths and seconded by Supervisor Arcularius approve a Grants-in-Support Contract with the California Indian Legal Services in the amount of \$7,600 for FY 2014-15; and authorize the County Administrator to sign. Motion carried unanimously.
CAO-Budget/ W-S County Run Kitchens	The Chairperson recessed open session at 11:12 a.m. to convene in a workshop, with all Board Members present, to receive information on and discuss all of the County run kitchens and their related costs. The Chairperson recessed the workshop at 12:30 p.m., to reconvene in open session, with all Board Members present.

HHS-Misc./Admin. Analyst Position Request
 Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for an Administrative Analyst position exists, as certified by the Health and Human Services Director, and concurred with by the County Administrator and the Auditor-Controller; B) where internal candidates meet the qualifications for the position, the vacancy may be filled through an internal recruitment, through the State Merit System's Cooperative Personnel Services; however, if an internal recruitment fails, authorize an external recruitment; and C) approve the hiring of one full time Administrative Analyst I, at Range 68 (\$4,106 - \$4,988) or II at Range 70 (4,305 - \$5,236) contingent upon qualifications. Motion carried unanimously.

HHS-Misc./Office Technician Position Request
 Moved by Supervisor Arcularius and seconded by Supervisor Kingsley to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for an Office Technician position exists, as certified by the Health and Human Services Director, and concurred with by the County Administrator and the Auditor-Controller; B) where internal candidates meet the qualifications for the position, the vacancy may be filled through an internal recruitment, through the State Merit System's Cooperative Personnel Services; however, if an internal recruitment fails, authorize an external recruitment; and C) approve the hiring of one full time Office Technician I at Range 55 (\$3,027 - \$3,680) or II at Range 59 (\$3,323 - \$4,037) contingent upon qualifications. Motion carried unanimously.

HHS-Soc. Ser./ Social Work 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 a Social Worker position exists, as certified by the Health and Human Services Director, and concurred with by the County Administrator and the Auditor-Controller; B) where internal candidates meet the qualifications for the position, the vacancy could possibly be filled through an internal recruitment, but an open recruitment through the State Merit System's Cooperative Personnel Services would be appropriate to ensure qualified applicants apply; and C) approve the hiring of one Social Worker III at Range 70 (\$4,305 - \$5,236) or IV at Range 73 (\$4,617 - \$5,616) contingent upon qualifications. Motion carried unanimously.

Water/Standing Comm. Agenda
 Dr. Bob Harrington, Inyo County Water Director, provided copies of the Agenda for the upcoming Inyo County/Los Angeles Standing Committee meeting. He explained that there are no action items on the Agenda other than the first item which is to memorialize the actions taken at the preceding meeting. He reviewed the other items on the agenda for which reports will be provided by the appropriate agency.

Emerg. Serv./D. V. Roadeater Emergency
 Moved by Supervisor Griffiths and seconded by Supervisor Tillemans 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 Emergency
 Moved by Supervisor Kingsley and seconded by Supervisor Tillemans 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 Emergency
 Moved by Supervisor Tillemans and seconded by Supervisor Griffiths 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.

Emerg. Serv./Land of Even Less Water Emergency
 Moved by Supervisor Griffiths and seconded by Supervisor Kingsley 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.

BofS/Minute Approval
 Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to approve the minutes of the Board of Supervisors Regular Meetings of A) November 4, 2014; and B) November 12, 2014; and C) the Special Meeting of November 17, 2014. Motion carried unanimously.

Closed Session

The Chairperson recessed open session at 12:35 p.m., to reconvene in closed session, with all Board Members present to continue discussion and action as appropriate on previously noted closed session items. The Chairperson recessed closed session at 1:30 p.m., to reconvene in open session with all Board Members present.

Public Works/ATV
Adventure Trails
System Project

The Chairperson read the title of Agenda Item 35, concerning the ATV Adventure Trails System Project which was a request for the Board to A) conduct a public hearing to provide an opportunity for public on the Eastern Sierra ATV Adventure Trails System Project – Environmental Review and Compliance, Approval of the Combined-Use Routes, and Revised Implementing Procedures; B) adopt a Resolution certifying the Final Environmental Impact Report, to certify that the provisions of the California Environmental Quality Act (CEQA) have been satisfied to adopt the mitigation measures identified in the FEIR; C) adopt the Mitigation Monitoring and Reporting Program; D) approve the Combined-Use Routes recommended by staff; and E) approve the Revised Inyo County Assembly Bill 628 Implementing Procedures. The Chairperson went on to say that this is the title of what was going to be talked about or what is going to be discussed right now, and asked County Counsel to make the announcement concerning the item.

County Counsel reported the following with regard to Agenda Item 35 and **No. 10A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Pursuant to Government Code §54956.9(c))** – for discussion and advice regarding potential litigation (one case), Ms. Kemp Williams introduced herself to the audience and went on to say: “I am here today for a very serious request, and I have made the request of the Board that they continue the Adventure Trails Public Hearing that is currently set for today until next week on Monday. The basis of my request is that Government Code Section 871000 prohibits any public official from making, participating and making, or using his or her official position to influence a governmental decision in which the official has a financial interest. A public official has a financial interest in a governmental decision within the meaning of the Fair Political Practices Commission Act--Fair Political Practices Act--if it is reasonably foreseeable that the decision will have a material financial effect on one or more of the public official’s interests. In relationship to this, what has been traditionally called the 500 ft. rule, which is regulation 17(?), I didn’t bring all of my notes, but I can provide that to anyone who would like, which is a regulation passed in association with the Fair Political Practices Commission and, I believe it is 17807, was recently changed. The 500 ft. rule, in the beginning, was designed to be a bright line test and if a project or any matter was coming before a Board of Supervisors, the Board of Supervisors could decide, could say, I live within 500 ft. of this area and there would be a presumption of a financial affect or other affect. The changes are significant because the changes provide that officials with properties that are beyond 500 ft. are no longer presumed not to have a conflict. Officials may now have a conflict if the property is more than 500 ft. away; if the property is impacted by the following qualitative factors: development potential, income producing potential, highest and best use, or the character of the parcel of real property would be substantially altered by traffic levels or intensity of use, view, privacy, noise levels, air quality, or any other factors that would affect market value. Out of an abundance of caution, because I have come to know that two members live within 500 ft. of an Adventure Trails proposed route, and because I personally questioned whether the impact on the properties for these Supervisors, or any Supervisors, would be any greater than the effect on the general public in this regard. I have asked the Board to give me permission to petition the Fair Political Practices Commission for an opinion as to whether there is conflict of interest in this situation that would require the disqualification of the two Supervisors who reside within 500 ft. of a proposed route, as well as potentially others, under the revisions to the law as it now stands. With that I am asking and have asked that the meeting be continued until next week on Monday, so that I can attempt to get an expedited opinion.”

The Board, staff, and members of the audience continued to discuss to what date the meeting would be continued. During the discussion it was determined that the Monday date did not fall within the time frame for conducting a continued meeting. The Board and staff discussed the noticing requirements for this item in order to determine the soonest date this item could come back to the Board. After a lengthy discussion and taking further comment from audience members on the date, as well as from the County’s consultant on the project, the Board directed staff to (a) schedule a special meeting of the Inyo County Board of Supervisors for, Tuesday, December 30, 2014, beginning at 3:00 p.m., at a location to be determined in Independence in order to consider the actions described above for the Eastern Sierra ATV Adventure Trails Project, and (b) issue the appropriate public notices for this meeting and for the actions to be considered during the meeting.

- County Department Reports The Chairperson announced the County Department Report period. Mr. Josh Hart, Planning Director, announced that the comment period on the Draft EIR for the REGPA has been extended to January 14, 2015. Mr. Clint Quilter, Public Works Director, updated the Board on the winter closure of Whitney Portal Rd. He said that due to a number of reasons there will not be a new gate installed in the upper part of the road. He also said the County will not close the lower gate either, that there will be a historic soft winter closure for the road.
- Public Comment The Chairperson announced the final Public Comment period and noted that County Counsel would be making a statement concerning public comment. County Counsel said “that today and every day that there is a Board Meeting, public comment is restricted to those items that are not on the agenda and there will be no public comment, please, on the ATV Project.” The Chairperson opened the public comment period and Carl Schrieder said that he has a building in Lone Pine that the Board could use free of charge to hold its special meeting.
- Report on Closed Session County Counsel completed her report on closed session by noting that she had started with Item 10A which was added today as an emergency measure and that has taken quite a bit of public comment, but she did announce what was discussed in closed session. She went on to report that with regard to Agenda Item No. 2 which was Conference with Legal Counsel, instructions were given to the County Counsel; with regard to Agenda Items No. 3 through 8, instructions were given to labor negotiators; and with regard to Agenda Items 9 and 10, instructions were given to real property negotiators.
- Adjournment The Chairperson adjourned the regular meeting at 3:00 p.m., to 8:30 a.m., Tuesday, December 9, 2014, 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