

MINUTES

County of Inyo Board of Supervisors

December 16, 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, December 16, 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(d)(1)]** – *Verizon California Inc., a California corporation v. California State Board of Equalization, County of Inyo, et al.*, Sacramento County Superior Court Case No. 34-2014-00171512; No. 3. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Pursuant to Government Code §54956.9(c))** – Meet with legal counsel for discussion and advice regarding potential litigation (two cases); and No. 4. **PERSONNEL [Pursuant to Government Code §54957]** - Public Employee Performance Evaluation - Title – County Counsel. The Chairperson recessed closed session at 10:20 a.m., to reconvene in open session at 10:30 a.m., with all Board Members present.
- Pledge Supervisor Linda Arcularius led the Pledge of Allegiance.
- BofS/Proclamation for Linda Arcularius On a motion by Supervisor Kingsley and a second by Supervisor Tillemans, a Proclamation honoring retiring First District Supervisor Linda Arcularius was approved. Motion carried unanimously, with Supervisor Arcularius abstaining. The Chairperson of the Board of Supervisors presented the framed proclamation to Supervisor Arcularius. At the conclusion of the presentation, the Chairperson opened the floor to others who wished to honor retiring Supervisor Linda Arcularius. Ms. Julie Bear, Regional Director of the Sierra Nevada Conservancy and a former Second District Inyo County Board of Supervisor, via telephone conference, read into the record a letter from the Conservancy commending Supervisor Arcularius and personally congratulated and commended Supervisor Arcularius on her tenure on the Board of Supervisors. The following individuals provided commentary and/or presented mementoes to retiring Supervisor Arcularius: Chief Ray Seguine of the Bishop Fire Department, presented a plaque; Ms. Jacque Hickman representing the Lone Pine Film Museum, presented a poinsettia plant; Ms. Jean Turner, Director of Health and Human Services, presented a flower arrangement and members of her Department and retired County Counsel Randy Keller, along with members of the audience, sang a rendition of Frank Sinatra's "I Did It My Way" with new lyrics and titled "Linda's Way;" Mr. Tom Noland representing the Cattlemen's Association, retired Agricultural Commissioner George Milovich; Bishop City Administrator, Mr. Jim Tatum, invited Supervisor Arcularius to attend the January 12, 2015 City Council Meeting to receive a commemorative tile from the City; Sheriff Bill Lutze; Mr. Charles James of Lone Pine; and the County Administrator Mr. Kevin Carunchio, who present the State of California Assembly Resolution honoring Supervisor Arcularius. At the conclusion of the presentations, the Chairperson recessed the regular meeting at 11:30 a.m., and invited those in the audience to join the Board of Supervisors in the lobby for a reception honoring Supervisor Arcularius.
- Recess/
Reconvene The Chairperson recessed the regular meeting at 11:30 a.m., to reconvene in closed session at 12:20 p.m., with all Board Members present to continue discussions on previously identified closed session items. The Chairperson recessed closed session at 2:15 p.m., to reconvene in open session, with all Board Members present.

CAO-Personnel County Offices Holiday Door Decorating Contest	The County Administrator provided additional information concerning this year's Inyo County Offices Holiday Door Decorating contest, noting that the Sheriff's Department was the second place finisher, with only 1 vote separating first and second places. The Chairperson announced that the Child Support Services (CSS) Department was this year's winner and presented Ms. Susanne Rizo, CSS Director, with the prize. The Chairperson went on to present the winner of this year's Charlie Brown award to the Auditor's Office.
BofS/Byng Hunt Proclamation	Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to approve a Proclamation in appreciation of Mono County District 5 Supervisor Byng Hunt. Motion carried unanimously.
Museum/MOU w/ Bishop Historical Society	Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to approve a Memorandum of Understanding between the County of Inyo and the Bishop Museum and Historical Society for upgrades to the public restroom at Law's Museum, and authorize the County Administrator to sign. Motion carried unanimously.
CAO/Kotin Contract Amendment	Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to approve Amendment #6 to the Contract between the County of Inyo and Allan D. Kotin & Associates to: (a) extend the term of the Contract to June 30, 2015; (b) increase total Contract amount by \$10,000 for an amount not to exceed \$80,000; and, authorize Chairperson to sign, contingent upon appropriate signatures being obtained. Motion carried unanimously.
CAO-Planning/ Gruen Gruen + Assoc. Contract Amendment	Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to approve Amendment #12 to the Contract between the County of Inyo and Gruen Gruen + Associates (GGA), extending the term of the Contract six months to June 30, 2015 and increasing the Contract amount by \$5,000 to a total amount not to exceed of \$395,000 and authorize the County Administrator to sign, contingent upon appropriate signatures being obtained. Motion carried unanimously.
CAO-County Counsel/James Contract Amendment	Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to approve Amendment #3 to the Contract between the County of Inyo and Gregory L. James, Water/Environmental Attorney-Natural Resources, extending the contract for six months, from January 1, 2015 through June 30, 2015, and authorize the Chairperson to sign, contingent upon appropriate signatures being obtained. Motion carried unanimously.
E. Health/CAEHA Contract Amendment	Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to approve Contract Amendment No. 1, to the Contract between the County of Inyo and the California Association of Environmental Health Administrators (CAEHA) as represented by Jason Boetzer and John Elkins, extending the Contract for six months to the period ending June 30, 2015; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
Planning-Yucca Mtn./AULG Funds Certification	Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to A) certify that \$40,610.33 in funds provided to Inyo County as an Affected Unit of Local Government (AULG) under the Nuclear Waste Policy Act, as amended, have been expended in accordance with the provisions of that Act, Public Law 97-425, and the 2010 Energy and Water Development and Related Agencies Appropriations Act (Public Law 111-85); B) authorize the Chairperson to sign; and C) Direct staff to submit the certification to the U.S. Department of Energy. Motion carried unanimously.
Planning/Meridian Consultants Contract Amendment	Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to approve Amendment No. One to the Contract between the County of Inyo and Meridian Consultants for the provisions of environmental review of the Adventure Trails of the Eastern Sierra System to amend the schedule of fees to increase the total Contract amount to \$305,330, and extend the term of the Contract to April 30, 2015; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
Planning/Energy Efficiency Loan Assessment	Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to preliminarily approve the draft Energy Efficiency Revolving Loan Fund Assessment and Planning Report. Motion carried unanimously.
HHS-Behavioral Hlth. Serv./Blue Cross MOU	Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to ratify the Memorandum of Understanding, including the seven enclosures, with the new name of Blue Cross of California Partnership Plan, Inc. (Anthem), effective January 1, 2014; and authorize the HHS Director to sign. Motion carried unanimously.

HHS-EMS/EMCC Appointments Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to appoint the following applicants to the Emergency Medical Care Committee to complete two year terms ending December 31, 2016: Mr. Carl Dennett of the Southern Inyo Fire Protection District, Ms. Colleen Wilson of Southern Inyo Hospital, Mr. LeRoy Kritz of the Lone Pine Fire Department, Dr. Richard Johnson, Inyo County Health Officer, Mr. Joe Capello of the Independence Volunteer Fire Department; and Mr. Marty Fortney of the Big Pine Fire Department representing the member-at-large category. Motion carried unanimously.

HHS-ESAA/ESAAA Advisory Council Appointments Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to appoint the following to the Eastern Sierra Area Agency on Aging (ESAAA) Advisory Council, representing the categories designated, to complete two year terms ending December 11, 2016: Ms. Rachel Lober, Private/Voluntary Leadership; Mr. Roger Rasche, Lower Income; Phyllis Mikalowsky, Lower Income and Family Caregiver, and Harriet Davis, Support Services Provider and Private/Voluntary Leadership. Motion carried unanimously.

P.W./CA Federal Lands Access Grant for South Lake Road Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to A) approve the submittal of a California Federal Lands Access Program grant application for South Lake Road; B) authorize the Public Works Director to sign documents related to the grant application; and C) request the Inyo County Local Transportation to program a portion of the South Lake Road project in an amount not to exceed \$1-million in the 2016 Statewide Transportation Improvement Program funding cycle. Motion carried unanimously.

Planning/Pine Creek Mine Reclamation Financial Assurances Ms. Adena Fansler, Associate Planner, provided additional information and further justification for the recommendation to reduce the financial assurances for the Pine Creek Mine from \$693,762.63 to \$93,762.63, explaining that it has been determined that 95% of the reclamation work for the project has been completed and the balance being proposed is sufficient to cover the costs of the balance of the work. The Board heard from Mr. Paul Fry of the California Office of Mining and Reclamation who confirmed that the State agrees with the recommendation and the assessment of the work that has been completed. Moved by Supervisor Arcularius and seconded by Supervisor Tillemans to concur with the Planning Department's determination that reclamation for the Pine Creek Mine/Mill is partially complete and reduce the financial assurances from \$693,762.63 to \$93,762.63 and direct the Auditor to issue a warrant in the amount of \$600,000 to Avocet Tungsten, Inc. Motion carried unanimously.

Resol. #2014-59/ IC-GOLD Program Services Fee Schedule Ms. Jean Turner, Director of Health and Human Services, provided additional information and further explanation on the request to set fees for providing senior meals and in-home services through the Inyo County Growing Older Living with Dignity (IC-Gold) Program. Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to adopt Resolution #2014-59, establishing the Fee Schedule for meals and in-home services provided under the Inyo County-Growing Older, Living with Dignity (IC-GOLD) Program, to become effective January 1, 2015: motion unanimously passed and adopted.

District/B.P. Fire Dept. Bldg. Fee Waiver Big Pine Fire Chief, Damon Carrington, updated the Board on the building which is being placed on the land donated by the County and asked that the building permit fee be waived. He said that the money could be used to help the Department provide public safety services to the community. Supervisor Tillemans supported the Department's request. Moved by Supervisor Tillemans and seconded by Supervisor Kingsley to waive the permit fee in the amount of \$5,258.24 for the construction of the new building the Big Pine Volunteer Fire Department is putting on the land donated by the County. Motion carried unanimously.

Planning/Code Enforcement Ordinance Public Hearing The Chairperson opened the public hearing at 2:40 p.m., on an ordinance titled "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Adding Title 22 to the Inyo County Code and Section 7.24.050, 7.52.150, 14.14.080, 10.64.040, 14.20.100, 14.28.175, 14.29.280, 20.08.130, AND AMENDING SECTIONS 1.20.010, 7.60.050, 7.60.060, 7.70.070(H), 11.04.120, 14.08.200, 14.08.210, 14.28.150, 14.29.080, 18.81.370, 21.24.080 and Deleting Section 18.81.380 of the Inyo County Code. Mr. Josh Hart, Planning Director, reviewed the staff report and recommendations regarding the ordinance. Mr. Gavin Wilkinson of Lone Pine read a letter into the record opposing the adoption of the ordinance. There was no one else wishing to speak to the issue and the Chairperson closed the public hearing at 2:55 p.m. Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to waive the first reading of the ordinance and schedule the enactment for 1:30 p.m., January 6, 2015, in the Board of Supervisors Room, at the County Administrative Center, in Independence. Motion carried unanimously.

District/B.P. Cemetery Water Assoc. Shares	Mr. Bill Jasper, of the Big Pine Cemetery Board of Trustees, addressed the Board to support the District's request to have County staff research ownership of 1.6 shares of the Big Pine Water Association that the District believes is being held for the benefit of the District. Supervisor Tillemans and the remainder of the Board supported the request and it was the consensus of the Board to have Dr. Bob Harrington, Director of the Water Department, and Special Legal Counsel, Greg James, research the District's claim that 1.6 shares of the Big Pine Water Association held separately in the name of the County of Inyo may be held by the County for the benefit of the District.
HHS-Hlth. Serv/ MCAH Allocation Funding	Moved by Supervisor Arcularius and seconded by Supervisor Kingsley to ratify the Maternal Child and Adolescent Health (MCAH) Allocation funding between the County of Inyo and California Department of Public Health in the amount of \$133,978 for the period of July 1, 2014 through June 30, 2015; and authorize the Chairperson to sign the Agreement Funding Application Policy Compliance and Certification. Motion carried unanimously.
HHS-Soc.Serv- ESAAA/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 A-PAR Program Services Assistants (PSA) positions exists, as certified by the Director of Health and Human Services, and concurred with by the County Administrator and Auditor Controller; B) where due to the part-time nature of this position it is unlikely that the position could be filled by internal candidates meeting the qualifications of the position, an open recruitment would be appropriate to ensure qualified applicants apply; and C) approve the hiring of two PSA I's at Range 39PT (\$11.23 to \$13.65/hr.) or II's at Range 42PT (\$12.01 to \$14.62) or combination of I and II, depending upon qualifications. Motion carried unanimously.
Sheriff/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 Correctional Officer position comes from the General Fund, as certified by the Sheriff, and concurred with by the County Administrator and Auditor Controller; B) where internal candidates meet the qualifications for the position, the vacancy could possibly be filled through an internal recruitment, however, an open recruitment is more appropriate to ensure the position is filled with the most qualified applicant; and C) approve the hiring of one Correctional Officer at Range 64 (\$3,735 - \$4,539). Motion carried unanimously.
Sheriff/Undersheriff Position	Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the Undersheriff position comes from the General Fund, as certified by the Sheriff, and concurred with by the County Administrator and Auditor Controller; B) where internal candidates meet the qualifications for the position, the vacancy could be filled through an internal recruitment; and C) approve the hiring of one Undersheriff at Range SC85 (\$6,683 - \$8,129) or SD85 (\$7,018 - \$8,535); or SE85 (\$7,368 - \$8,963), depending on qualifications. Motion carried unanimously.
Sheriff/COPS Expenditures and Budget Amendment	Moved by Supervisor Arcularius and seconded by Supervisor Griffiths to A) declare American Security Group as a sole-source provider of equipment and authorize the purchase of 2 new Dell Professional Services Desktop Video Workstations for video-WII Displays to replace two existing workstations, including installation in the amount of \$7,328.32 including labor and tax in the amount of \$524.32; B) declare Varda Company a sole-source provider for Varda repair services and authorize the purchase of various items per quote dated 10-29-14 for the repair of the Varda System in the amount of \$981.61, including labor, shipping and tax in the amount of \$59.20; C) authorize the service and repair services from J.E.I., for the Digital Voice Recorder, in the amount of \$950; and D) amend the FY 2014-2015 Sheriff's General Budget Unit 022700 by increasing estimated revenue in Citizens Options Public Safety Revenue (<i>Revenue Code #4488</i>) by \$9,261 and increasing appropriations in Equipment (<i>Object Code #5650</i>) by \$7,329, Law Enforcement Special (<i>Object Code #5313</i>) by \$982 and Maintenance of Equipment-Labor (<i>Object Code #5171</i>) by \$950. Motion carried unanimously.
P.W.-Airports/ Position Request	Moved by Supervisor Griffiths and seconded by Supervisor Arcularius to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the B-PAR Airport Technician position exists, as certified by the Public Works Director, and concurred with by the County Administrator and Auditor Controller; B) where internal candidates meet the qualifications for the position, the vacancy may be filled through an internal recruitment, however, due to the nature of the position, authorize an open recruitment; and C) approve the hiring of one B-PAR Airport

Emerg. Serv./2014 Homeland Security Grant	Technician II at Range 050PT (\$14.46/hr. - \$17.55/hr.). Motion carried unanimously. Moved by Supervisor Griffiths and seconded by Supervisor Arcularius to amend the FY 2014-2015 County budget as follows: A) create new budget (#623714) for the 2014 Homeland Security Grant Program; B) increase estimated revenue in the 2014 HSGP, State Grants (<i>Revenue Code #4498</i>) by \$94,045; and C) increase expenditures in the 2014 HSGP Budget by \$94,045; and appropriate as recommended by staff. Motion carried unanimously.
Emerg. Serv./D.V. Roadeater Emergency	Moved by Supervisor Kingsley 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 Griffiths 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.
Emerg. Serv./Land of Even Less Water Emergency	Moved by Supervisor Arcularius and seconded by Supervisor Kinsley 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 Arcularius and seconded by Supervisor Tillemans to approve the minutes of the Board of Supervisors Regular Meeting of December 2, 2014. Motion carried unanimously.
County Department Reports	The Board heard from the following departments who presented a year-in-review for their Departments: Sheriff Bill Lutze; Clerk-Recorder, Ms. Kammi Foote; District Attorney, Mr. Tom Hardy; Water Director, Mr. Bob Harrington; Public Works Director, Mr. Clint Quilter; Child Support Services Director, Ms. Susanne Rizo; Agricultural Commissioner, Mr. Nate Reade; Chief Probation Officer, Mr. Jeff Thomson; Planning Director, Mr. Josh Hart; Health and Human Services Director, Ms. Jean Turner; Farm Advisory, Mr. Dustin Blakey; County Counsel, Ms. Marge Kemp-Williams; Auditor-Controller, Ms. Amy Shepherd; Sr. Deputy County Administrator, Ms. Pam Foster; Information Services Director, Mr. Brandon Shults; and the County Administrative Officer, Mr. Kevin Carunchio.
Public Comment	The Chairperson announced the final public comment period and there was no one wishing to address the Board.
Board Members and Staff Reports	The Board Members reported on their activities during the preceding week, including an RCRC Board of Director Meeting update, a thank you to the Chairperson for the work he did this year as Chair, and the Board Members wishing the public and the Inyo County staff a Happy Holidays.
Closed Session	The Chairperson recessed the regular meeting at 4:40 p.m., to reconvene in closed session to continue discussion and action as appropriate on previously noted closed session items.
Recess	The Chairperson recessed closed session at 7:20 p.m., to reconvene in open session. County Counsel reported that the Board of Supervisors was continuing the meeting to 11:30 a.m., Wednesday, December 17, 2014, in the Board of Supervisors Room, at the County Administrative Center, in Independence, to continue discussions and actions as appropriate on the previously identified closed session items, and the Board direct that the appropriate Notice of Continued Regular Meeting be posted.
Reconvene	The Chairperson reconvened the regular meeting of December 16, 2014 in closed session, with all Board Members present, at 11:30 a.m., on Wednesday, December 17, 2014.
Closed Session	The Board convened in closed session to continue discussion and action as appropriate on the previously identified closed session items. Supervisor Tillemans left the meeting at 2:15 p.m. The Chairperson recessed closed session at 3:30 p.m., to reconvene in open session to receive a report on closed session.

Report on Closed Session

County Counsel reported that with regard to Agenda Item No. 2. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(d)(1)]** – Verizon California Inc., a California corporation v. California State Board of Equalization, County of Inyo, et al., Sacramento County Superior Court Case No. 34-2014-00171512, the Board of Supervisors in a unanimous vote, with Supervisors Arcularius, Griffiths, Pucci, Tillemans, and Kingsley voting yes directed County Counsel to defend the County in the matter; with regard to Agenda Item No. 3. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Pursuant to Government Code §54956.9(c))** – Meet with legal counsel for discussion and advice regarding potential litigation (two cases), instructions were given to staff; and with regard to No. 4. **PERSONNEL [Pursuant to Government Code §54957]** - Public Employee Performance Evaluation - Title – County Counsel, there was no reportable action.

Adjournment

The Chairperson adjourned the regular meeting of December 16, 2014 at 3:30 p.m., on December 17, 2014 to 8:30 a.m., on Tuesday, January 6, 2015, 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