



County of Inyo Board of Supervisors

June 9, 2015

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:45 a.m., on Tuesday, June 9, 2015, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Matt Kingsley, presiding, Dan Totheroh, Rick Pucci, Jeff Griffiths, and Mark Tillemans.

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 The County Administrator explained that yesterday the County received a claim against it which presents a significant exposure to litigation to which he needs to apprise the Board and get direction prior to the next Board Meeting. The Assistant Clerk reviewed the findings that need to be made in order for the Board to consider a Post Agenda item. Moved by Supervisor Totheroh and Seconded by Supervisor Griffiths to find that the need to address a closed session item concerning significant exposure to significant litigation arose after the Agenda for today's meeting was posted and there is a need to address this item prior to the next regular Board of Supervisors meeting, therefore this item is added as Agenda Item 6A. Motion carried unanimously.

Closed Session The Chairperson recessed open session at 8:47 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 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, Assistant County Administrator, Rick Benson, Deputy Personnel Director, Sue Dishion, and Information Services Director, Brandon Shults; No. 3. **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, Assistant County Administrator, Rick Benson, Deputy Personnel Director, Sue Dishion, and Information Services Director, Brandon Shults; No. 4. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Pursuant to Government Code §54956.9(d)(1)** – Native American Heritage Commission v. Inyo County Planning Department and Inyo County Board of Supervisors, Inyo County Superior Court Case No. SICVPT 1557557 (Munro Petition for Writ of Mandate); No. 5. **CONFERENCE WITH LEGAL COUNSEL -ANTICIPATED LITIGATION [Pursuant to Government Code §54956.9(d)(4)]** - decision whether to initiate litigation (two cases); No. 6. **REAL PROPERTY NEGOTIATIONS - CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Pursuant to Government Code §54956.8)** – Property – APN010-490-08, Bishop, California – Negotiating Parties – County Administrator, Kevin Carunchio, Assistant County Administrator, Rick Benson, and Public Works Director, Clint Quilter, and Joseph Enterprises - Negotiating Parties, Steve Joseph, Scott Piercey, Wayne Lamb and Jeff Shepard – Negotiations – Terms and Conditions; and No. 6A. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Pursuant to Government Code §54956.9(d)(2)** – significant exposure to potential litigation (one case).

Recess/
Reconvene The Chairperson recessed closed session at 10:10 a.m., to reconvene in open session at 10:15 a.m., with all Board Members present.

Pledge Supervisor Kingsley led the Pledge of Allegiance.

Public Comment The Chairperson announced the second public comment period and there was no one from the public wishing to address the Board.

Introduction Denny Miller, a Heavy Equipment Mechanic in the Road Department, was introduced to the Board.

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| BofS/Altrusa Proclamation | Moved by Supervisor Totheroh and seconded by Supervisor Griffiths to approve a Proclamation proclaiming the week of June 8 through 14, 2015 as Altrusa Appreciation Week and commemorating the Altrusa of the Eastern Sierra's 30 th anniversary. Chairperson Kingsley presented the proclamation to Tina Cocherell representing Altrusa, who expressed the Club's appreciation for the Board's recognition. |
| BofS/Cerro Coso College Update | Deanna Ing Campbell, Director-Eastern Sierra College Center updated the Board on the College's programs and activities. |
| CAO-Adv. Co. Res./L.P. Chamber Grant Payments | Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve the final payments to the Lone Pine Chamber of Commerce for 2014-15 Community Project Sponsorship Grant Projects as follows: \$3,500 for the Early Opener Trout Derby and \$3,500 for the Wild Wild West Marathon. Motion carried unanimously. |
| Districts/Pioneer Cemetery Board Appointments | Moved by Supervisor Griffiths and seconded by Supervisor Pucci to reappoint Arlene Brierly Pearce and Leslie Scott to the Pioneer Cemetery District Board of Trustees to complete four-year terms ending June 1, 2019. Motion carried unanimously. |
| Child Support Serv./Ramos Contract | Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve the Contract between the County of Inyo and Gerardo Ramos for Spanish interpretive services for the period of July 1, 2015 through June 30, 2017, in an amount not to exceed \$30,000, 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. |
| HHS-Hlth. Serv./Pharmaceutical Services Contract Amendment | Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve Amendment No. 1 to the Agreement between the County of Inyo and Dwayne's Friendly Pharmacy for the provision of pharmaceutical services extending the Agreement for one year to an ending date of June 30, 2016, increasing the amount of the Contract by \$130,000 to a total not to exceed \$780,000 for the period of July 1, 2010 through July 30, 2016, and amending the scope of work to remove the requirement for the pharmacy to maintain an emergency stock of medications for disaster preparedness, contingent upon the Board's adoption of a FY 2015-16 budget; and authorize the Chairperson to sign. Motion carried unanimously. |
| HHS-EMS/Amendment to EMS Contracts | Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve Amendment No. 2 to the Agreements between the County and the following, extending the Agreements one year to an ending date of June 30, 2016, and authorize the Chairperson to sign: A) Lone Pine Volunteer Fire Department; B) Symons Emergency Specialties, Inc.; and C) Olancha Fire Department. Motion carried unanimously. |
| P.W./Temp No Parking Zones Around Bishop Airport | Moved by Supervisor Griffiths and seconded by Supervisor Pucci to implement temporary no parking zones on July 4, 2015 at the following locations from 6 a.m., through midnight: A) the north and south shoulders of East Line Street/Poleta Road beginning at the Bishop Creek canal and terminating approximately one half mile east of Airport Road; B) the east and west shoulders of North Airport Road from the intersection of East Line Street/Poleta Road to approximately one quarter mile north; and C) the north and south shoulders of Wye Road at the intersection of Spruce Street to the gate entrance of the Airport. Motion carried unanimously. |
| P.W./Country Glass Contract County Services Building Window Project. | Moved by Supervisor Griffiths and seconded by Supervisor Pucci to award and approve the Contract for the County Services Building Window Replacement Project to Country Glass in the amount of \$24,074.70 and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained; and 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. Motion carried unanimously. |
| Sheriff/Plumas Co Investigative Serv. Contract | Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve the Memorandum of Understanding between the County of Inyo and Plumas County for Investigative Services for the period of June 9, 2015 through June 30, 2020, 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. |

HHS-EMS/RFP for Ambulance Service in EOA 1, 4, 5, 6, and 7

Mr. Tom Lynch of Inland Counties Emergency Medical Authority (ICEMA), presented the proposed Request for Proposals (RFPs) for Emergency Medical Services (EMS) providers to cover five of Inyo County Exclusive Operating Areas (EOAs), including EOA 1 (Bishop), EOA 4 (Lone Pine), EOA 5 (Olancha), EOA 6 (Little Lake), and EOA 7 (Panamint Valley). He noted that after consultation with the State EMS Authority, the inclusion of a bidders conference is the only change to the document that has been presented. The Board, the County Administrator, Mr. Lynch and members of the audience discussed the RFP in detail and at length. Mr. Lynch explained the ramifications of the County not proceeding with an RFP which would mean that the State EMS Authority would have the ability to declare those areas as non-exclusive and what that would mean for the areas. The discussion included

(a) the State EMS Authority’s enforcement capability, and its approval process which is to declare areas exclusive or non-exclusive and deny an EMS Plan because it jeopardizes the public health and safety;

(b) the option of continuing to contract with current providers, in exclusive EOA’s and challenge the State EMS Authority guideline that requires an RFP every 10 years;

(c) specific changes in the RFP as follows: 2nd sentence in Section 4. C. 1., adding the statement “with the recommendation of the Inyo County Board of Supervisors, ICEMA will contract...” Page 14. Clarification that statement concerning prevailing wage ways “if applicable” Page 68 Section 29.15 concerning the inclusion of the phrase “if applicable;”

(d) the development of a permit process in the event areas are identified non-exclusive, what the permit might entail and the timing of discussing the development of a permit process; and

(e) the development and support for a language change that would relieve small rural counties from some of the more onerous and overarching federal and State mandates for ambulance services, like the RFP process currently being discussed.

Recess/
Reconvene

The Chairperson recessed the regular meeting at 11:55 a.m., to reconvene in open session, with all Board Members present at 1:05 p.m.

HHS-EMS/RFP for Ambulance Service in EOA 1, 4, 5, 6, and 7

The Board reconvened its discussion with Tom Lynch of ICEMA and staff regarding the RFP for ambulance services in EOA’s 1, 4, 5, 6, and 7. The Board, Mr. Lynch, the County Administrator, Chief Kritz of the Lone Pine Fire Department, Chief Davis of the Olancha Fire Department, Chief Seguine of the Bishop Fire Department and Judd Symons of Symons Ambulance discussed the RFP in detail and at great length. The continued discussion included the following:

(a) on page 9 Section 2 – alternate delivery system, the CAO noted that the paragraph prior to that section is the key to the question and our local providers have said they have a good sustainable system which they will be able to demonstrate in the RFP;

(b) questions about whether the CAD System for dispatching is a requirement of the RFP, with Mr. Lynch of ICEMA clarifying that it is not a requirement to have a computer generated dispatch system and with the CAO suggesting the following phrase be added to the last sentence of the second paragraph “proposer should submit (or must submit) a copy of proposed dispatch program including for example” which will make items like the CAD system illustrative to the sentence;

(c) Page 14 Section 15, a lengthy conversation took place on the termination clauses in the RFP and the Contract that include termination clause for cause and for convenience, with the Board asking that the phrase “with the concurrence of the Inyo County Board of Supervisors” be added to a termination clause for cause and termination for convenience clause, so there are no unilateral decisions regarding termination and requesting that Inyo County Counsel work on wordsmithing the clauses so there is mutuality on termination and ensuring that the County and ICEMA are protected and remain whole in the event of a contractor terminating the contract;

(d) with the County Administrator suggesting the Board make specific changes to the RFP language and ask that the RFP and the Contract that is going to be attached to the RFP be returned for the Board’s review and consideration of approval, in order to ensure that the Board’s concerns and changes have been made to the RFP and carried through to the Contract, since the Contract is going to be approved by the San Bernardino Board of Supervisors and the Inyo County Board of Supervisors will not have another opportunity to review it;

(e) on Page 17, item 32 of the Contract questions about the “gag order” clause, with Mr. Lynch explaining that the intent of this clause is to not have the contractor speak on behalf of either ICEMA or the County; after further discussion it was suggested that the language be changed to “no news releases, advertisements, public announcements, or photographs arising out of a dispute of this contract or contractors relationship may be made or used without prior written approval of both parties”; and with regard to 28, it be changed to “if during the course of the administration of this Contract, ICEMA determines that the proposer *intentionally* made material misstatement or misrepresentation on behalf of ICEMA or the County...this Contract may be immediately terminated with concurrence of the Inyo County Board of Supervisors;”

(f) on Page 39 Environmentally Friendly Products, it was determined that the forms are not being required by the RFP only being requested to completed, and with the County Administrator explaining that this was probably standard language in a San Bernardino County Contract to show compliance with the California Integrated Management Act and meeting green house gas emission regulations;

(g) On page 62 the Equipment Replacement Program was discussed and it was determined that for the volunteer fire departments the response could be as simple as one sentence saying the organizations Equipment Replacement Program says equipment is replaced as funds allow and as necessary;

(h) the CAO asked that in the Contract, Section 26.05 on the term of the contract be deleted from the Contract because as the entities work on having the language legislatively changed, this section will not be required;

(i) consideration of the Contract length involved the possibility of identifying a 10 year term with two five year extensions, with Mr. Lynch discouraging this because he believed it would trigger the State EMS Authority to reject the contract and return it to ICEMA for change, which would delay the process; and

(j) questions were asked about the Audited Financial Statements, and the Ambulance Service Delivery Plans with it being determined that the County’s Auditor is considered a federal and state licensed financial institution and the response time in Inyo County is 99 minutes which is sufficient time for all responses; Mr. Lynch noted that the response time data for Inyo County for 2014 shows the entire system collectively responded and made calls in 19 minutes or less 92% of the time and commended all of the providers for those response times.

The Board and staff continued to discuss the RFP with it being determined that the RFP and the Contract would be sent back to ICEMA and County staff, including legal counsel, for further refinement, with the Board expressing a desire to have the final documents returned for the Board consideration.

Moved by Supervisor Pucci and seconded by Supervisor Griffiths to direct staff to make the changes to the RFP and the sample contract to reflect today’s discussion and bring the document back on July 7, 2015 for the Board’s consideration and possible recommendation to the EMS Governing Board and approval of the RFPs for Inyo County Exclusive Operating Areas. Motion carried unanimously.

After the motion, Dr. Johnson, Inyo County Health Officer, Jean Turner, Director of Health and Human Services and Marge Kemp-Williams, County Counsel briefly discussed language of legislation to change the requirements that jurisdictions with populations of 40,000 or less do not need to meet the RFP requirements for ambulance service currently being discussed.

HHS-Soc. Serv./
Social Worker
Position Request

Moved by Supervisor Tillemans and seconded by Supervisor Tothorh to find that, consistent with the adopted Authorized Position Review Policy: a) the availability of funding for a Social Worker and a Registered Nurse positions exists in the Social Services budget, as certified by the Health and Human Services Director, 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 would be more appropriate to ensure qualified applicants apply; and C) approve the hiring of one Social Worker II at Range 67 (\$4,008 - \$4,865) and one Registered Nurse at Range 78 (\$5,199 - \$6,319). Motion carried unanimously.

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| E. Hlth./CAEHA Contract Amendment | Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to approve the Amendment to the Contract between the County of Inyo and the California Association of Environmental Health Administrators (CAEHA) for services to operate the Inyo County Certified Unified Program Agency (CUPA) program, extending the term of the Contract from an ending date of June 30, 2015 to December 15, 2015, increasing the amount of the Contract by \$48,000 to an amount not to exceed \$98,000, and adding Matthew Pool to the list of CAEHA representatives as a CUPA inspector, contingent upon the Board's adoption of a FY 2015-16 budget; and authorize the Chairperson to sign. Motion carried unanimously. |
| Resol. #2015-32-A/ LEA Grant Application | On a motion by Supervisor Griffiths and a second by Supervisor Tillemans, Resolution No. 2015-32-A was approved authorizing the submittal of the Local Enforcement Agency (LEA) grant applications for the period of July 1, 2015 through June 30, 2020, for funding of an estimated amount of \$17,800 per fiscal year, to the California Department of Resources, Recycling and Recovery (CALRecycle) and authorizing the Director of Environmental Health Services to sign all necessary applications, agreements, and amendments for the purposes of securing LEA grant funds for use in implementing the grant project: motion unanimously passed and adopted. |
| Planning/U.S.F.S. Planning Update | Sr. Planner, Cathreen Richards, provided and reviewed additional information regarding the recreation section of Inyo National Forest Plan Update/Revision as requested by the Board last week. |
| P.W./Landfill Gas Extraction System Plans & Specs | Moved by Supervisor Tillemans and seconded by Supervisor Pucci to the plans and specifications for the Bishop-Sunland Landfill Gas Extraction System Installation Project; and authorize the Public Works Director to advertise and bid the Project. Motion carried unanimously. |
| Parks/Water Conservation | The Assistant County Administrator reviewed the water conservation plan for the parks and campgrounds. He reviewed the watering schedule and briefly discussed potential ramifications to reductions in water supply to landscaping at the County's parks and campgrounds. |
| Fish and Game/Fine Fund Increase in Expenditure to Eastern Sierra Wildlife Care | Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to A) approve an expenditure from the Fish and Game Fine Fund in the amount of \$1,000 to the Eastern Sierra Wildlife Care for the care and feeding of injured and sick animals; and B) amend the FY 2014-15 Fish and Game Budget Unit 024200 by increasing unanticipated revenue in Fines (<i>Revenue Code #4213</i>) by \$1,000 and increasing appropriations in General Operating (<i>Object Code #5311</i>) by \$1,000. Motion carried unanimously. |
| County Dept. Reports | The Chairperson announced the County Department Report period. David Stottlemire, Assessor, informed the Board that he will be hosting a visiting Assessor from Alpine County who will be helping him close the role this year. He also said that the State Board of Equalization has informed him that they will be here at the end of September to conduct their five year audit. Clint Quilter, Public Works Director, advised the Board of the upcoming community meetings in Independence and Lone Pine to provide information to the Town Water System customers on the water restrictions that have been implemented as a result of the drought. |
| Board Members and Staff Reports | Supervisor Griffiths talked about a budget trailer bill TBL 825 that is called the Drought Water System consolidation, saying what will happen with this legislation is that the State Water Board would have the authority to force water systems to consolidate and said it is attached to the budget which has to be passed by June 15 th at midnight, so the Board only has a week to make any comment; a reminder that the High School State Rodeo Finals are taking place in Bishop; and a report on a meeting with the new Death Valley National Park Superintendent in Death Valley. |
| Public Comment | The Chairperson announced the final public comment period and there was no one from the public wishing to address the Board. |
| Closed Session | The Chairperson recessed open session at 3:15 p.m., to reconvene in closed session, with all Board Members present, to continue discussions on previously noted closed session items. The Chairperson recessed closed session at 4:00 p.m., to reconvene in open session. |

Report on Closed Session

County Counsel reported on the following closed session items: with regard to items 2 and 3 which are items concerning negotiations with various labor unions, instructions were given to the negotiators; Item No. 4. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Pursuant to Government Code §54956.9(d)(1)** – Native American Heritage Commission v. Inyo County Planning Department and Inyo County Board of Supervisors, Inyo County Superior Court Case No. SICVPT 1557557 (Munro Petition for Writ of Mandate), was withdrawn; Item No. 5. No. 5. **CONFERENCE WITH LEGAL COUNSEL -ANTICIPATED LITIGATION [Pursuant to Government Code §54956.9(d)(4)]** - decision whether to initiate litigation (two cases), instructions were given to County Counsel; Item No. 6. **REAL PROPERTY NEGOTIATIONS - CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Pursuant to Government Code §54956.8)** – Property – APN010-490-08, Bishop, California – Negotiating Parties – County Administrator, Kevin Carunchio, Assistant County Administrator, Rick Benson, and Public Works Director, Clint Quilter, and Joseph Enterprises - Negotiating Parties, Steve Joseph, Scott Piercey, Wayne Lamb and Jeff Shepard – Negotiations – Terms and Conditions, instructions were given to negotiations; and The County Administrator reported that with regard to Item No. 6A. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Pursuant to Government Code §54956.9(d)(2)** – significant exposure to potential litigation (one case), instructions were given to staff.

Adjournment

The Chairperson adjourned the regular meeting at 4:03 p.m., to 8:30 a.m., Tuesday, June 16, 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