

# MINUTES

# County of Inyo Board of Supervisors

**October 27, 2015**

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 October 27, 2015, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Matt Kingsley, presiding, Dan Tothoroh, Rick Pucci, Jeff Griffiths, and Mark Tillemans.

- Public Comment      The Chairperson announced the first public comment period and there was no one 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 LABOR NEGOTIATOR (Pursuant to Government Code §54957.6)** – Instructions to Negotiators re: wages, salaries and benefits – Title – Environmental Health Director – Negotiator – as designated by the Board of Supervisors; No. 3. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION [Pursuant to Government Code § 54956.9(d)(2)]**. – Significant Exposure to Potential Litigation (one case); No. 4. **CONFERENCE WITH LEGAL COUNSEL -ANTICIPATED LITIGATION [Pursuant to Government Code §54956.9(d)(4)]** - decision whether to initiate litigation (three cases); No. 5. **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, Assistant County Administrator Rick Benson, 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, Assistant County Administrator, Rick Benson, 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, Assistant County Administrator, Rick Benson, Deputy Personnel Director, Sue Dishion, and Information Services Director, Brandon Shults; and No. 8. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Law Enforcement Administrators' Association (LEAA) - Negotiators: - County Administrative Officer, Kevin Carunchio, Assistant County Administrator, Rick Benson, Deputy Personnel Director, Sue Dishion, and Information Services Director, Brandon Shults.
- Recess/  
Reconvene      The Chairperson recessed closed session at 10:05 a.m., to reconvene in open session at 10:15 a.m., with all Board Members present.
- Pledge      County Counsel, Marge Kemp-Williams, led the Pledge of Allegiance.
- Public Comment      The Chairperson announced the second public comment period. Earl Wilson of Lone Pine advised the Board of a meeting in Ridgecrest that he had attended dealing with water management of the Indian Wells Water District which encompasses some of south Inyo County, and suggested that the Water Director be engaged in this situation. The Chairperson explained to Mr. Wilson that both he and the Water Director, Dr. Bob Harrington, had been unable to attend the meeting in Ridgecrest, but both were aware of the situation and were monitoring it.
- CAO-Film  
Commissioner  
Report      The Film Commissioner, Chris Langley, provided the 2015-16 Quarterly Film Commissioner Report. He reviewed some of the filming that has taken place in the area, including Land Rover and GMC car commercials. He updated the Board on the film permit process. He went on to briefly report on the Film Museum and upcoming events.

BofS/B P Veterans Path Project	Fourth District Supervisor Mark Tillemans reported on the Big Pine Veteran's Memorial Pathway, explaining that today's presentation is to bring the Board up to date on the project, and that there is no action being requested at this time. The Board heard from Big Pine Residents, Rick Fields, Walt Sharer and Bud Jasper who provided additional information regarding the Path and who talked about how they hoped the County could help the community of Big Pine get this project completed to honor our Veterans. The Board, members of the audience and staff discussed the LADWP conditions that are being placed on the project.
Resol. No. 2015-51/ Interim Loan Olancha CSD	On a motion by Supervisor Griffiths and a second by Supervisor Pucci, Resolution No. 2015-51 was approved, pursuant to the provisions of Article XVI (16), Section 6 of the California Constitution, approving an interim loan from the County Treasury to the Olancha Community Service District in the amount of \$20,000 for the purpose of financing the District's operational costs during FY 2015-2016 prior to receipt of their annual property tax apportionment; motion unanimously passed and adopted.
Resol. No. 2015-52/ Changing the Name of a Portion of Sunset Drive to Sunset Road	The Public Works Director, Clint Quilter, provided additional information and further justification to change the name on the portion of Sunset Drive, west of Barlow Lane in the Bishop Area to Sunset Road. He explained that through in correct signage that was put in place years ago the addresses on that portion of Sunset Drive were assigned a Sunset Road address, while the official records for the properties in the Assessor's office continue show Sunset Drive addresses. He went on to say that this discrepancy is causing problems for the property owners, and that this name change should resolve the problems for property owners on that section of the road. On a motion by Supervisor Pucci and a second by Supervisor Totheroh to approve Resolution No. 2015-52 declaring the Board's intent to change the name of Sunset Drive West of Barlow Lane, to Sunset Road and setting a Public Hearing on the proposed name change for November 10, 2015, at 11:30 a.m., in the Board of Supervisors Room, at the County Administrative Center, in Independence; and further direct and authorize Road staff to post notices of the hearing in at least three public places along the road at least 10 days in advance of the hearing; motion unanimously passed and adopted.
Resol. No. 2015-53/ American Legion Hall Re-Roof Prjct.	On a motion by Supervisor Tillemans and a second by Supervisor Pucci, Resolution No. 2015-53 is approved accepting the improvements and authorizing the recording of a Notice of Completion for the American Legion Hall Re-Roofing Project: motion unanimously passed and adopted.
Planning/Planning Commission Per Diem Increase	The Planning Director, Josh Hart, explained that the Planning Commission was requesting an increase in the per diem they are paid for attending meetings from \$75 to \$100. He said that since this increase was not budgeted for this year he was recommending that should the Board consider approving the increase that it be effective July 1, 2016 in order to eliminate the need for a budget amendment to cover the increase. The Board discussed this request with the Board expressing a desire to provide the increase at the beginning of the year. Moved by Supervisor Tillemans and seconded by Supervisor Pucci to direct staff to increase the meeting per diem compensation rate provided to the Planning Commissioners to \$100 beginning in January 1, 2016; and contingent upon the Board's adoption of future budgets. Motion carried unanimously.
Planning/Sequoia Kings Foundation Doc Comments	Elaine Kabala, Associate Planner, reviewed the draft correspondence to the Sequoia-Kings Canyon National Park Service regarding the Draft Sequoia-Kings Foundation Document. The Board and staff discussed the correspondence with Supervisor Griffiths recommending that in the second paragraph we specifically identify those areas of the Park that are accessed through Inyo County. Moved by Supervisor Totheroh and seconded by Supervisor Griffiths to approve the correspondence regarding the Draft Sequoia-Kings Foundation Document was amended; and authorize the Chairperson to sign. Motion carried unanimously.
Planning/USF&W LADWP Land Draft Habitat Conservation Plan	Elaine Kabala, Associate Planner, reviewed the draft correspondence to the U.S. Fish and Wildlife Service regarding the Draft Habitat Conservation Plan for Los Angeles Department of Water and Power Lands in Inyo and Mono counties. The Board and staff discussed the correspondence. The Board discussed adding a sentence to encourage the HCP include the ability to assess the effectiveness of the conservation measures. Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to approve the correspondence regarding the Draft Habitat Conservation Plan for LADWP lands in Inyo and Mono counties, as amended; and authorize the Chairperson to sign. Motion carried unanimously.

CAO-Adv. County Resources/CalExpo Exhibit	The Assistant County Administrator, Rick Benson, provided additional information regarding the continuation of the County's participation in the Counties Exhibit at the California State Fair. The Board heard from Rich and Kathy White, who have been in charge of the County's exhibit for many years and who have retired. The Whites supported the County's continued involvement and provided specifics on their costs and time commitment over the years. The Board and staff discussed the County's participation. Moved by Supervisor Griffiths and seconded by Supervisor Pucci to, after considering whether to continue participating in the California Counties Exhibit at the California State Fair, authorize the Administrative Office to solicit letters of interest from community members and organizations to determine if there is interest in developing and staffing an exhibit showcasing Inyo County at the California State Fair. Motion carried unanimously.
Resol. No. 2015-54/ Death Valley Down But Not Out Emergency Declaration	The County Administrator, and Kelley Williams, Assistant to the Administrator, provided additional information and further justification for the Board to declare an emergency as a result of flooding caused by recent storms in the area. Moved by Supervisor Pucci and seconded by Supervisor Tothoroh to approve Resolution No. 2015-54 entitled, "A Resolution of the Board of Supervisors, County of Inyo, State of California, Confirming and Ratifying the Declaration by the Director of Emergency Services for the County of Inyo, Proclaiming the Existence of a Local Emergency" related to severe thunderstorms which swept over portions of Inyo County, with the most violent portion of the storm occurring on October 18, 2015, resulting in torrential rains and flash-flooding in the central, south and south eastern portions of Inyo County; and authorize the County Administrative Officer or his designee to make revisions to the resolution, as appropriate or if requested by the Office of Emergency Services, and to proceed in executing the resolution without further review by your Board: motion unanimously passed and adopted.
Emerg. Serv./D.V. Roadeater Emergency	Moved by Supervisor Tillemans and seconded by Supervisor Pucci 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. Motion carried unanimously.
Emerg. Serv./Land of Even Less Water Emergency	Moved by Supervisor Tothoroh and seconded by Supervisor Pucci 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 Griffiths and seconded by Supervisor Tillemans to approve the minutes of the Board of Supervisors Meetings as follows: A) the Regular Meetings of October 6, 2015; and BC) the Regular Meeting of October 13, 2015. Motion carried unanimously.
Resol. No. 2015-55/ Rd. Abandonment in Aspendell	Cathreen Richards, Senior Planner, reviewed the staff report and recommendations regarding a road abandonment of an unnamed road in Aspendell. She explained that this action is required in order to provide the adjacent property owners the ability to convey the land to the Aspendell Mutual Water Company who plans to build a well and well house on the property to provide potable water to the community of Aspendell. The Board heard from Dave Tanksley, the applicant, who provided additional information and further justification for the road abandonment. On a motion by Supervisor Tothoroh and a second by Supervisor Pucci, Resolution No. 2015-55, which is a Resolution of the Board of Supervisors of the County of Inyo, State of California, declaring its intent to vacate that portion of an unnamed road in the Community of Aspendell and setting and providing Notice of Public Hearing on said vacation for November 17, 2015 at 11:45 a.m., in the Board of Supervisors Room, at the County Administrative Center, in Independence, (which is not less than 15 days after the initiation of proceedings held today, October 27, 2015); directing the Clerk of the Board to post notices in the Inyo Register for a period of at least two successive weeks prior to the November 17, 2015 hearing; directing the Planning staff to post at least three conspicuous notices of vacation along the lines of the road proposed to be vacated, with each notice posted not more

than three hundred feet apart; and directing that the notice contain a description of the road proposed to be vacated and a reference to a map or plan that shows the portion or area to be vacated, including a statement that the vacation proceeding is conducted under Chapter 3 of the SCH, codified as Sections 8320 et seq; and contains the date, hour, and place for hearing all persons interest in proposed vacation: motion unanimously passed and adopted.

Ord 1196/Positions Exempted from Competitive Service Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to enact Ordinance 1196 entitled "An Ordinance of the County of Inyo, State of California, Amending Section 2.80.055 of the Inyo County Code to Exempt the Psychiatrist, Senior Assistant County Counsel, Assistant County Counsel, and Deputy County Counsel II-IV Classifications from Competitive Service;" motion unanimously passed and adopted.

Recess/Reconvene The Chairperson recessed the regular meeting at 12:15 p.m., to reconvene at 1:25 p.m., with all Board Members present.

COA-Personnel/Coroner Appointment The County Administrator prefaced the Coroner appointment process. Mr. Carunchio explained that, per the Board's instructions, letters of interest for the position were solicited and the County had received responses from two applicants. He went on to say that one of the applicants had withdrawn their request for appointment and, as such, the Board would only be considering the one request from the Deputy Coroner, Jason Molinar. He suggested the Board, in following past recent Board protocol for appointments of elected officials, go ahead and interview the applicant and provided the Board with suggested questions which the Board might want to ask Mr. Molinar. The Board proceeded to hear from Jason Molinar who spoke briefly about his qualifications and experiences and responded to questions from the Board. Sheriff Lutze addressed the Board to talk about his Department's interaction with the Coroner, saying that he has had an excellent relationship with the Coroner in the past and expects that to continue in the future. Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to appoint Jason Molinar to the position of Coroner, and make the appointment to the office for the un-expired term ending January 2019. Motion carried unanimously.

Recess/Reconvene The Chairperson recessed the regular meeting at 1:45 p.m., to reconvene in open session at 1:55 p.m., with all Board Members present.

County Department Reports The Chairperson announced the County Department Report period. The Treasurer-Tax Collector informed the Board that this year's tax bills have been mailed and the amount billed is up over last year, with DWP lands which account for 50% of the roll being \$19,111,113. The County Administrator clarified that the DWP rate this year is 5.8% vs. 4.04% last year.

Planning/Figtree Clean Energy Program The Planning Director, Josh Hart, reviewed the Figtree Property Assessed Clean Energy Program, which provides solar photovoltaic financing. The Board and staff discussed the concept of providing property owners with program that will finance solar, including the interest rate that is charged, the ability to contract with other entities for this service, the County's risks and liabilities, the impact to staff, and the administrative burden of carrying the program. The Board heard from Amy Shepherd, Auditor-Controller, who reviewed the impact of the County being a TEETER County. The Treasurer-Tax Collector addressed the issue and Earl Wilson of Lone Pine who asked about the impact of this on the tax rolls. The Board indicated that they would like more information on this program before considering implementation.

Water/Standing Committee Meeting Agenda Dr. Bob Harrington, Water Director, provided the Board with a copy of the Agenda for the upcoming Inyo/Los Angeles Standing Committee Meeting scheduled in Los Angeles on Monday, November 2, 2015. Daris Moxley of Bishop addressed the Board to question the public's ability to participate in the recommendation development process prior to the Board's consideration of items on the Agenda. Dr. Harrington reviewed the items and staff's recommendations regarding the items. The Board and staff discussed the items and recommendations, with the Board concurring with staff recommendations.

- Planning/CMORCA Presentation      The Board received a presentation on the 2015 California Minerals, Off-Road Recreation and Conservation Act (CMORCA) from the Planning Director. Dakota Higgins of Congressman Cook's office provided additional information and further explanation on the legislation. Members of the public addressed the Board as follows: Mike Johnson, Bishop area resident, supported Congressman Cook's legislation; Earl Wilson, Lone Pine, questioned several aspects of the legislation and recommended the Board take no action; John Louth who recommended the Board take no action in order to provide an opportunity for groups to study the legislation; Ceal Klinger who strongly opposed the legislation comparing it to Senator Feinstein's legislation, asking the Board to not support Congressman Cook's legislation; Sydney Quinn of Bishop who talked about Senator Feinstein's legislation and asking the Board to take no action to support the legislation; Jora Fogg representing the Friends of the Inyo, who talked about Senator Feinstein's legislation and recommending the Board take no action on CMORCA; Mike Prather of Lone Pine, also support Senator Feinstein's legislation and recommended the Board not support Congressman Cook's legislation; Allen Pietrasanta recommended the Board take no action on this legislation; and Steve McLaughlin of Big Pine also supported Senator Feinstein's legislation while recommending the Board take no action on Congressman Cook's Bill. The Board, staff and members of the audience continued to discuss the legislation in detail and at length. Supervisor Kingsley noted that it appears that everyone in the audience who has addressed the Board has taken a position on the legislation while asking the Board to take no position, which he said did not sit well with him. The Board talked about identifying those items in both pieces of legislation which the Board can support and not support and giving the reasons for the position. They talked about finding common ground that is acceptable to the majority that will be of benefit to the County, as well as talking about the status of the WSA's. The Board took no action concerning the draft correspondence to Congressman Cook.
- Report on Closed Session      County Counsel reported the following regarding closed session: Item No. 2, instructions were given to negotiators; Item No. 3, was withdrawn; Item No. 4, instructions were given to Counsel and staff; Item No. 5, was with drawn; Item No. 6, instructions were given to the negotiators; and Items 7 and 8, were withdrawn.
- Public Comment      The Chairperson announced the final public comment period. Earl Wilson of Lone Pine addressed the Board to provide additional information on the Ridgecrest Meeting he had spoken about during the second public comment period.
- Adjournment      The Chairperson adjourned the regular meeting at 3:30 p.m., to 8:30 a.m., on Tuesday, November 10, 2015 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*