

MINUTES

County of Inyo Board of Supervisors

October 20, 2009

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 9:00 a.m., on Tuesday, October 20, 2009, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Beverly Brown presiding, Susan Cash, Marty Fortney and Richard Cervantes. Supervisor Arcularius was absent. Supervisor Cervantes provided the Invocation, and Supervisor Fortney led the Pledge of Allegiance.

- Public Comment The Chairperson announced the public comment period. Supervisor Cash asked on behalf of a request by Supervisor Arcularius, who was absent because of the birth of her grandson, that today's meeting be adjourned in memory of Andrew McConnell, the grandson of Lewis and Betty McConnell of Aspendel, who was recently killed in action in Afghanistan.
- County Dept.
Reports The Chairperson announced the County Department Report period. Mr. Ted Pedersen, Public Works Director, informed the Board that legislation has been passed which protects the County's road funds. Sheriff Lutze informed the Board that as a result of a major leak in the roof at the Mono County Jail in Bridgeport last week and because of a mutual aid agreement between the counties, the Inyo County jail had temporarily housed 23 Mono County inmates, which have now been relocated to other facilities and that the Inyo County Jail is the designated booking facility for Mono County and the Town of Mammoth Lakes while Mono County repairs its jail.
- Emerg. Serv./Mud
Flow Emerg. Cont. Moved by Supervisor Fortney and seconded by Supervisor Cervantes to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously, with Supervisor Arcularius absent.
- CAO-Adv. County
Res./Film Comm.
Contract Moved by Supervisor Fortney and seconded by Supervisor Cervantes to continue to declare Chris Langley as a sole source provider for Film Commissioner Services and ratify and approve the Contract between Chris Langley and the County of Inyo for Film Commissioner Services for the period of July 1, 2009 through June 30, 2010, in an amount not to exceed \$40,000; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously, with Supervisor Arcularius absent.
- CAO-Adv. County
Res./2010 CalExp
Independence
CofC Contract Moved by Supervisor Fortney and seconded by Supervisor Cervantes to continue to declare the Independence Chamber of Commerce a sole source contractor for the purpose of designing, constructing, staffing and removing the Inyo County Exhibit at the 2010 California State Fair and approve the Contract between the County of Inyo and the Independence Chamber of Commerce for the design, construction, staffing, and removal of the Inyo County Exhibit at the 2010 California State Fair, in an amount not to exceed \$10,000 contingent upon the Board's adoption of future budgets; and authorize the County Administrator to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously, with Supervisor Arcularius absent.
- P.W.-Airports/Fuel
Truck P. O. Moved by Supervisor Fortney and seconded by Supervisor Cervantes to declare LeasePlan USA a sole source provider of a fuel truck and approve a purchase order to LeasePlan USA for the purchase of a 1994 Ford F800 fuel truck, serial number IFDYF80C4SVA14740 in the amount of \$26,530, plus sales tax in the amount of \$2,321.38 to be paid to the State, for a total amount of \$28,851.38. Motion carried unanimously, with Supervisor Arcularius absent.
- Sheriff/U.S. Forest
Serv. Controlled
Substance Plan Moved by Supervisor Fortney and seconded by Supervisor Cervantes to approve the application for the 2010 Financial & Operations Plan for Controlled Substance Operations U.S. Forest Service reimbursements in the amount of \$5,000 and authorize the Sheriff and the Chairperson to sign the agreement and all necessary documents. Motion carried unanimously, with Supervisor Arcularius absent.

Rd. Dept./Liquid Asphalt P. O. Moved by Supervisor Fortney and seconded by Supervisor Cervantes to award the bid to and approve the Contract with Western Emulsions, Inc., for liquid asphalt in an amount not to exceed \$122,966.10, for the period of October 1, 2009 through December 31, 2009; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously, with Supervisor Arcularius absent.

Rd. Dept./Aggregate Materials P. O. Moved by Supervisor Fortney and seconded by Supervisor Cervantes to award the bid to and approve the Contract with Granite Construction for aggregate materials in an amount not to exceed \$59,812.50 for the period of October 1, 2009 through May 1, 2010; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously, with Supervisor Arcularius absent.

County Counsel/ Berger Contract Amendment Moved by Supervisor Cervantes and seconded by Supervisor Cash to approve Amendment No. 1 to the Agreement between the County of Inyo and Michael Berger, Esq., amending the term of the Contract for a period of May 1, 2009 through October 31, 2009 to continue through June 30, 2010, to continue to assist Greg James in representing the County of Inyo in the Yucca Mountain Repository Licensing Hearings before the Nuclear Regulatory Commission. Motion carried unanimously, with Supervisor Arcularius absent.

Water Dept/LORP Implementation Agreement The County Administrator explained that the Contract being presented for approval was the culmination of 11 years of negotiations on the LORP Implementation Plan. He explained that this agreement sets forth how the entities will pay for their portions of the LORP implementation and commended Dr. Bob Harrington, Water Director, for his work on this agreement, which has resulted in manageable costs for the County. Moved by Supervisor Cash and seconded by Supervisor Fortney to approve the "Agreement Between the County of Inyo and City of Los Angeles Department of Water and Power Concerning Operations and Funding of the Lower Owens River Project;" and authorize the County Administrator to sign on behalf of the County. Motion carried unanimously, with Supervisor Arcularius absent.

Resol. #2009-41/ 2009 Firefighter of the Year On a motion by Supervisor Fortney and a second by Supervisor Cash, Resolution No. 2009-41 was approved, honoring Larry Huffman as the Inyo County 2009 Firefighter of the Year: motion unanimously passed and adopted, with Supervisor Arcularius absent.

Resol. #2009-42/ 2009 EMS Provider of the Year On a motion by Supervisor Fortney and a second by Supervisor Cash, Resolution No. 2009-42 was approved, honoring Lloyd Wilson Inyo County 2009 EMS Provider of the Year: motion unanimously passed and adopted, with Supervisor Arcularius absent.

Resol. #2009-43/ 2009 EMS Provider of the Year On a motion by Supervisor Fortney and a second by Supervisor Cash, Resolution No. 2009-43 was approved, honoring B.J. Hayner Inyo County 2009 EMS Provider of the Year: motion unanimously passed and adopted, with Supervisor Arcularius absent.

At the conclusion of the motions adopting the resolutions honoring the Firefighter and EMS Providers of the Year, the Chairperson presented the honorees with ceremonial framed copies of the resolutions. Representatives of the Emergency Medical Care Committee and the Fire Chiefs Association also presented plaques to Mr. Huffman, Mr. Wilson and Ms. Hayner to commemorate their being designated the 2009 Firefighter and EMS Providers of the Year.

Recess/ Reconvene The Chairperson recessed the regular meeting at 9:30 a.m., to reconvene at 9:40 a.m. in open session, with all Board Members present, except Supervisor Arcularius.

Clerk-Recorder/ Temporary Employee Moved by Supervisor Cash and seconded by Supervisor Cervantes to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the requested position comes from the General Fund as certified by the Department Head and concurred with by the County Administrator and Auditor-Controller and B) authorize the hiring of a temporary employee, Recorder/Elections Clerk I, at Range PT46 (\$12.64 - \$15.11 per hour) or II at Range PT48 (\$12.98 – \$16.11) depending upon qualifications. Motion carried unanimously, with Supervisor Arcularius absent.

Planning/RETI & DRECP Correspondence	Mr. Josh Hart, Senior Planner, reviewed the draft letters to the California Energy Commission, Congressman McKeon, CSAC and RCRC, regarding the RETI and DRECP. Moved by Supervisor Cervantes and seconded by Supervisor Fortney to approve the correspondence to the California Energy Commission (CEC), Representative Buck McKeon, the California State Association of Counties (CSAC) and the Regional Council of Rural Counties (RCRC), regarding the Renewable Energy Transmission Initiative (RETI) and the Desert Renewable Energy Conservation Plan (DRECP) and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Arcularius absent.
Integ. Waste/Vector Eng. Consulting Contract	The Deputy County Administrator, Mr. Chuck Hamilton, provided additional information and further justification for approving the Contract with Vector Engineering for solid waste engineering consulting services. He responded to a question from Supervisor Fortney explaining that the recommendation for award of the Contract to Vector, whose bid was higher than Minshew, was based on their qualifications and because Vector had a local contractor component. Moved by Supervisor Fortney and seconded by Supervisor Cash to approve the Contract between the County of Inyo and Vector Engineering for solid waste engineering consulting services, in an amount not to exceed \$304,100 for the period of November 1, 2009 through June 30, 2010; and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Arcularius absent.
CAO-Budget/ESTA Line of Credit	The County Administrator provided additional information and further justification for the award of a line of credit to ESTA. Mr. Carunchio noted that the amount being requested this year is \$30,000 less than last year, which is a result of efforts by ESTA to control operating costs. Moved by Supervisor Cash and seconded by Supervisor Fortney to lend the Eastern Sierra Transit Authority (ESTA) \$50,000 from County funds for a term not to exceed October 20, 2009 through June 30, 2010, based on ESTA agreeing to certain conditions; and approve the Agreement between the County of Inyo and the Eastern Sierra Transit Authority for the provision of an advancement of funds and, as may be desired, provide direction to staff and/or authorize the Chairperson to sign contingent upon the appropriate signatures being obtained. Motion carried unanimously, with Supervisor Arcularius absent.
BofS/Minute Approval	Moved by Supervisor Fortney and seconded by Supervisor Cash to approve the minutes of the Board of Supervisors Meeting of October 6, 2009. Motion carried unanimously, with Supervisor Arcularius absent.
Board Members and Staff Reports	The Board Members reported on their activities during the preceding week, including the Navy Anniversary Ball, a BLM meeting on geothermal projects, Big Pine Homecoming, and various meetings with our State legislators. The County Administrator updated the Board on the Digital 395 Project, thanking all of the agencies, which had responded to the County's call for letters of support, last week. Supervisor Brown offered her thanks to the Bishop Tribe for their quick response in getting their letter of support.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 10:30 a.m., to reconvene in open session at 10:45 a.m., with all Board Members present, except Supervisor Arcularius.
Resol. #2009-44/ Solid Waste Commercial Rates Areas A & B	The Deputy County Administrator, Mr. Chuck Hamilton, explained that the resolution being considered is adding the rate for commercial collection bins provided by the Waste Hauler which is already in Area A, to Area B. The Board and staff discussed why the County makes the determination of what types of collection bins are allowed, with Mr. Hamilton reiterating that the County is only setting the rate for the services if it is provided, which is the responsibility of the Board under the law. Mr. Dale Comontofski of Preferred Septic addressed the Board to ask that the County address the fee schedule for solid waste collection because the fee schedule has not been adjusted since the early 70's. He said he wanted to be a part of the discussion and felt that working together a new fee schedule could be established that would be beneficial to all parties. The Board agreed that when they discuss the solid waste operations in the upcoming workshop that it include a discussion of the fee schedule. The County Administrator indicated that much of the work has been concluded for the workshop that is scheduled for the first meeting in November, and that in order to include the information on the fee schedule the workshop will be rescheduled to later in the month. The Board and staff continued to discuss the proposed change in the solid waste rate schedule, with Supervisor Fortney continuing to question the County's regulation of the types of collection bins allowed in the various areas.

Moved by Supervisor Cash, with no second to approve Resolution No. 2009-44 titled, "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Establishing Residential and Commercial Rate Schedule for Solid Waste Collection in Solid Waste Areas A and B of Inyo County:" motion passed on a three-to-one roll call vote, with Supervisors Cash, Brown and Cervantes voting yes, with Supervisor Fortney voting no and with Supervisor Arcularius absent.

BofS/O.V.
Contractors &
Vendors Assoc.
Presentation

Mr. Dan Stone of the Owens Valley Contractors and Vendors Association made a presentation to the Board on Small Local Business Preferences in local agencies purchasing policies. At the conclusion of his presentation, Mr. Stone requested the County incorporate a Small Local Business Preference policy in its purchasing and contracting policy. The Board and Mr. Stone discussed how this type of a policy could be defined in order to ensure compliance with Public Contract law, i.e. designating a certain percentage 5%, 10%, etc., of a Contract bid to being provided by a local vendor or contractor. The Board requested Staff look into refining the purchasing ordinance to include a Small Business Preference to be returned in the future for Board consideration and to advise the Owens Valley Contractors and Vendors Association when that policy is going to be considered by the Board.

Ord. #1147/Ed
Powers Speed

On a motion by Supervisor Cervantes and a second by Supervisor Fortney, Ordinance 1147 was enacted establishing a 30-mile per hour speed limit on a portion of Ed Powers Road: motion unanimously passed and adopted with Supervisor Arcularius absent..

Planning/Zone
Reclassification
2009-03/Boothe

The Chairperson opened the public hearing at 11:30 a.m., on a proposed ordinance titled "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Approving Zone Reclassification #2009-03/Boothe and Amending the Zoning Map of the County of Inyo by Reclassifying a 39 ft. by 200 ft. piece of land located at 310 Sunland Drive, Bishop, from R-2 (Multi-Family Residential) to R-1 (One-Family Residential)." Ms. Tanda Grezt, Senior Planner, reviewed the Staff Report and recommendations. There was no one wishing to address this ordinance. The Chairperson closed the public hearing at 11:35 a.m.

Resol. #2009-45/
CEQA
Requirements

On a motion by Supervisor Fortney and a second by Supervisor Cash, Resolution No. 2009-45 was approved certifying the requirements of the California Environmental Quality Act (CEQA) have been met with regard to Zone Reclassification #2009-03/Boothe: motion unanimously passed and adopted with Supervisor Arcularius absent.

Planning/Z.R.
Ordinance Adoption
Schedule

Moved by Supervisor Fortney and seconded by Supervisor Cash to waive the first reading of the ordinance titled "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Approving Zone Reclassification #2009-03/Boothe and Amending the Zoning Map of the County of Inyo by Reclassifying a 39 ft. by 200 ft. piece of land located at 310 Sunland Drive, Bishop, from R-2 (Multi-Family Residential) to R-1 (One-Family Residential)" and schedule the enactment for 11:30 a.m., October 27, 2009, in the Board of Supervisors Room, at the County Administrative Center, in Independence. Motion carried unanimously, with Supervisor Arcularius absent.

Public Comment

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

Closed Session

The Chairperson recessed open session at 11:35 a.m., to convene in closed session, with all Board Members present, except Supervisor Arcularius, to consider and take action as appropriate on Agenda Items No. 24. **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: Undersheriff Jim Jones, Labor Relations Administrator Sue Dishion and Deputy County Counsel Susanne Rizo, and No. 25. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Pursuant to Government Code §54956.9(a) – Sierra Club & Owens Valley Committee v. City of Los Angeles, Los Angeles Department of Water and Power, et al Inyo County Superior Court Case No. SICVCV 08-46888 ("LORP #4").**

Report on Closed
Session

The Chairperson recessed closed session at 12:25 p.m., to reconvene in open session to receive a report on closed session. County Counsel reported there were no actions taken in closed session, which are required by law to be reported on in open session.

Adjournment

The Chairperson adjourned the meeting in memory of Andrew McConnell, the grandson of Lewis and Betty McConnell of Aspendel, who was killed in action in Afghanistan. The Chairperson adjourned the meeting at 12:25 p.m., to 8:00 a.m., Tuesday, October 27, 2009, in the Board of Supervisors Room, at the County Administrative Center, in Independence.

Chairperson, Inyo County Board of Supervisors

*Attest: KEVIN D. CARUNCHIO
Clerk of the Board*

by: _____
Patricia Gunsolley, Assistant