



County of Inyo Board of Supervisors

January 12, 2010

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, January 12, 2010, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Richard Cervantes presiding, Linda Arcularius, Susan Cash, Beverly Brown and Marty Fortney. Supervisor Cervantes provided the Invocation, and Supervisor Cash led the Pledge of Allegiance.

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

County Department Reports The Chairperson announced the County Department Report period. The County Administrator provided an overview of the Governor's budget, highlighting those areas that have potential to impact the County. The Health and Human Services Director, Ms. Jean Turner and the Public Works Director, Mr. Ted Pedersen, addressed the Board to say they will be monitoring those items in the Governor's budget, which will impact their departments. The Agricultural Commissioner, Mr. George Milovich, noted that proposed changes in gas tax should not affect revenues to his department and told the Board that he would also be monitoring those items that could impact his department.

Introduction Mr. Chuck Hamilton, Deputy County Administrator, introduced Mr. Sergio Azuela the new Managing Landfill Engineer, to the Board.

Emerg. Serv./Oak Creek Emerg. Moved by Supervisor Arcularius and seconded by Supervisor Cash to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.

Parks/Wood Fiber P. O. Moved by Supervisor Arcularius and seconded by Supervisor Cash to authorize a purchase order in the amount of \$6,366.19 payable to Zeager Bros., Inc., of Middletown, PA, for the purchase of Engineered Wood Fiber fall material for the Mendenhall Park play equipment. Motion carried unanimously.

Planning-Yucca Mt./Gruen Gruen & Assoc. Contract Moved by Supervisor Arcularius and seconded by Supervisor Cash to A) declare Gruen Gruen & Associates a sole-source provider of Yucca Mountain Oversight professional services and to prepare a Socio-economic Impact Assessment Report; and B) approve a contract between the County of Inyo and Gruen Gruen & Associates for professional services and preparation of the Socio-economic Impact Assessment Report, for the period of January 12, 2010 through January 12, 2011, in an amount not to exceed \$176,000, 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.

Planning/Impact Sciences Contract Moved by Supervisor Arcularius and seconded by Supervisor Cash to A) ratify and approve the Contract between the County of Inyo and Impact Sciences, Inc., for the provision of environmental review and processing services for an Environmental Impact Report (EIR) for the Pine Creek Village project, for the period of January 1, 2010 through December 31, 2011, in an amount not to exceed \$172,000, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained; and B) ratify and approve the Contract between the County of Inyo and John Hooper (Pine Creek Village LP) for the County to provide environmental review and processing services for the EIR for the Pine Creek Village project, for the period specified, in an amount not to exceed \$258,300, 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.

Recess/Reconvene The Chairperson recessed the regular meeting at 9:20 a.m., to reconvene at 9:30 a.m., with all Board Members present.

Water/DWP Update on Solar Project Mr. Dave Freeman, Interim General Manager, Los Angeles Department of Water and Power, addressed the Board to talk about the Department's plans to install solar energy facilities in the Owens Valley. He and the Board discussed the project proposed for the Owens Dry Lake. The Board and Mr. Freeman continued to discuss issues relative to the Department's activities in the Owens Valley, including conservation easements, land releases, clearing up misimpressions, protection of the environment, and support for the local economy. Mr. Freeman committed to having the Department work with the County on the land releases and suggested a meeting date in February. Mr. Sam Wasson, Keeler landowner, Pam Mitchell of Owens Valley Realty, and Mr. Jeff Bahl, Olancho Resident, addressed the Board to support the solar project on the dry lake. Mr. Jack Pound, Independence Resident, identified alternatives he felt should be implemented.

Recess/Reconvene The Chairperson recessed the regular meeting at 10:35 a.m., to reconvene in open session at 10:45 a.m., with all Board Members present.

Planning/Public Hearing Z.R. 2009-06/Inyo County The Chairperson opened the public hearing at 10:45 a.m., on a proposed ordinance entitled "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Amending Section 18.78.280 of the Inyo County Code and Adding Section 18.78.285 to Title 18 of the Inyo County Code." Mr. Josh Hart, Senior Planner, reviewed the Staff report and recommendations regarding the zone reclassification that would allow non-conforming residences to be rebuilt. At the conclusion of his remarks, Mr. Hart requested that the Staff Report and all the attachments be entered into the record and it was marked Exhibit A. Mr. Hart asked that an email from Polly Ross supporting the ordinance be entered into the record and it was marked Exhibit B. The Clerk requested that the letters from Dan Watkins, President of CTC Financial, Inc., and Cheryl McDermott of Bishop, supporting the ordinance be entered into the record and they were marked Exhibit C. Ms. Cheryl McDermott, addressed the Board to speak in favor of the ordinance and submitted a petition supporting the ordinance, and a communiqué from Ms. Cynthia Little also supporting the ordinance, which were marked as Exhibit D. Mr. Kent Schlick owner of Big Pine Storage, Mike Johnson of Bishop, Pam Mitchell of Owens Valley Realty, and Mike Walters, spoke in favor of the ordinance. There was no one wishing to address the Board to oppose the ordinance. The Chairperson closed the public hearing at 11:10 a.m.

Resol. #2010-01/CEQA findings Z.R. 2009-06/Inyo County On a motion by Supervisor Fortney and a second by Supervisor Arcularius, Resolution No. 2010-01 was adopted (a) finding the project exempt from the requirements of the California Environmental Quality Act (CEQA) and (b) making certain findings with respect to and approving Zone Reclassification No. 2009-06/Inyo County; motion unanimously passed and adopted.

Z.R. 2009-06 Ord. Adoption Schedule Moved by Supervisor Fortney and seconded by Supervisor Arcularius to waive the first reading of the ordinance titled "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Amending Section 18.78.280 of the Inyo County Code and Adding Section 18.78.285 to Title 18 of the Inyo County Code" and schedule the enactment for 10:30 a.m., Tuesday, January 19, 2009, in the Board of Supervisors Room, at the County Administrative Center, in Independence. Motion carried unanimously.

Recess/Reconvene The Chairperson recessed the regular meeting at 11:20 a.m., to reconvene in open session at 11:25 a.m., with all Board Members present.

Planning/Public Hearing Z.R. 2009-05/C.G. Roxane The Chairperson opened the public hearing on a proposed ordinance titled "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Approving Zone Reclassification No. 2009-05/C.G. Roxane and Amending the Zoning Map of the County of Inyo by Rezoning a 2.38-acre site (APN 033-470-03), which is adjacent (on the south) to the Existing C.G. Roxane Water Bottling Plant Located South of Cartago, From Rural Residential (RR) to Light Industrial (M-2)" and approving the following actions for a 2.38-acre site located adjacent (on the south) to the Crystal Geyser Roxane water bottling plant located south of Cartago (APN 033-470-03): General Plan Amendment #2009-03/C.G. Roxane; Zone Reclassification #2009-05/C.G. Roxane and Conditional Use Permit #2009-06/C.G. Roxane. Ms. Tanda Gretz, Senior Planner, reviewed the Staff Report and recommendations. At the conclusion of her remarks Ms. Gretz requested that the Staff Report and all attachments be entered into the record and it was marked Exhibit A. Mr. Tom Platz representing C. G. Roxane supported the ordinance. There was no one wishing to oppose the ordinance. The Chairperson closed the public hearing at 11:40 a.m.

<p>Resol. #2010-02/CEQA on C.G. Roxane Project</p>	<p>On a motion by Supervisor Cash and a second by Supervisor Fortney, Resolution No. 2010-02 entitled "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Certifying and Adopting the Mitigated Negative Declaration of Environmental Impact concerning, and Making Certain Findings with Respect to and Approving, General Plan Amendment #2009-03/C.G.Roxane, Zone Reclassification #2009-05/C.G. Roxane and Conditional Use Permit #2009-06/C.C.Roxane" was approved: motion unanimously passed and adopted.</p>
<p>Planning/Ordinance Adoption Schedule</p>	<p>Moved by Supervisor Cash and seconded by Supervisor Fortney 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 No. 2009-05/C.G. Roxane and Amending the Zoning Map of the County of Inyo by Rezoning a 2.38-acre site (APN 033-470-03), which is adjacent (on the south) to the Existing C.G. Roxane Water Bottling Plant Located South of Cartago, From Rural Residential (RR) to Light Industrial (M-2)" and schedule the enactment for 10:30 a.m., Tuesday, January 19, 2010, in the Board of supervisors Room at the County Administrative Center, in Independence. Motion carried unanimously.</p>
<p>BofS/Change in RCRC Principles</p>	<p>Supervisor Arcularius provided additional information and further explanation on the proposed revisions to the 2009-2010 Regional Council of Rural Counties (RCRC) Policy Principles. The Board discussed the principles in detail, with the Board supporting the changes as recommended by Supervisor Arcularius.</p>
<p>Clerk-Elections/ Election Day Workers Comp.</p>	<p>Moved by Supervisor Cash and seconded by supervisor Arcularius to set compensation for precinct workers as follows: \$30.00 to attend a training class prior to each scheduled election and \$150 for each Technician on Election day. Motion carried unanimously.</p>
<p>P.W./2010 RTIP Projects</p>	<p>Mr. Courtney Smith, Transportation Planner, reviewed the projects programmed in the 2010 RTIP in detail. Mr. Smith reviewed the program changes being recommend as follows:</p> <ul style="list-style-type: none"> (a) Gill Station – Coso Road Rehabilitation, the design and construction components are being extended one year from 13/14 to 14/15 and the environmental component costs are being increased from \$100,000 to \$200,000; (b) South Bishop Resurfacing – the design component is being moved forward one year from 12/13 to 11/12; (c) Eastern Sierra Scenic Byway Visitor Center at Dehy Park – the construction cost of \$650 was moved down one row to the construction row; (d) Eastern CA Museum Railroad Wing or Carson & Colorado Railroad – the design and construction components are extended one year to 12/13 for design and 13/14 for construction and additional funding will be sought for construction; (e) Sunland Drive Bicycle Lanes – the project amounts are slightly different then those shown and the design component will be changed from 12/2013 to 11/2012 – Construction = \$620,000, PS&E = \$62,000, and environmental will be \$50,000. (f) Planning, Programming & Monitoring – a portion of this can be used for cost increases to other projects – the total amount will be reduced to reflect the \$100,000 in additional programming for Gill Station/Coso Road Project.
	<p>Moved by Supervisor Fortney and seconded by Supervisor Brown to approve the submittal of the projects described and reflected in Attachment A, of the Staff Report and as amended, to the Inyo County Local Transportation Commission for inclusion in the 2010 RTIP. Motion carried unanimously.</p>
<p>Recess/ Reconvene</p>	<p>The Chairperson recessed the regular meeting at 12:10 p.m., to reconvene in open session at 1:10 p.m., with all Board Members present.</p>
<p>Integrated Waste/ Diesel Particulate Emission Control Filter P.O.</p>	<p>Moved by Supervisor Fortney and seconded by Supervisor Brown to A) authorize the purchase of a diesel particulate emission control filter from Smith Power Products, Inc., of Sparks, NV, in an amount not to exceed \$39,474.66 to be installed by the vendor on a waste management wood product grinder; and B) amend the FY 2009-2010 Solid Waste Budget Unit 045700 by increasing appropriations in Revenue Prior Year Reimbursements (<i>Revenue Code #4999</i>) by \$19,793 and decreasing appropriations in Maintenance of Equipment (<i>Object Code #5171</i>) by \$19,682 and increasing appropriations in Fixed Assets (<i>Object Code #5650</i>) by \$39,475. Motion carried unanimously.</p>

Integrated Waste/ Gate Attendant Position	Moved by Supervisor Cash and seconded by Supervisor Fortney to find that consistent with the adopted Authorized Position Review Policy A) the availability of funding for the requested position exists as certified by the Department Head and concurred with by the County Administrator and the Auditor-Controller; B) the vacancy would be filled from a recently established position eligibility list; and C) authorize the open recruitment of one Gate Attendant at Range 43 (\$2,206 – \$2,683). Motion carried unanimously.
CAO/RFP Bishop Office Space	The County Administrator provided additional information and further justification for the issuance of an RFP for consolidated office space in the Bishop area. The Board and the County Administrator discussed the RFP in detail, with the CAO suggesting that the Board may want to appoint an Ad Hoc Committee of its members to participate in the review of the responses. Because of her extensive background in local real estate, Supervisor Brown volunteered to serve on an Ad Hoc Committee should that be the desire of the Board. The Board directed staff to issue a Request for Proposals (RFP) in an effort to secure cost-effective consolidated County office space in the Bishop area.
BofS/Minute Approval	Moved by Supervisor Cash and seconded by Supervisor Fortney to approve the minutes of the December 8, 2009 Board of Supervisors Meeting. Motion carried unanimously on a four-to-zero vote, with Supervisors Arcularius, Cash, Fortney and Cervantes voting yes, and with Supervisor Brown abstaining.
	Moved by Supervisor Fortney and seconded by Supervisor Arcularius to approve the minutes of the Board of Supervisors Meetings as follows: A) the Special Meeting of January 4, 2010; and B) the Regular Meeting of January 5, 2010. Motion carried unanimously on a four-to-zero vote, with Supervisors Arcularius, Brown, Fortney and Cervantes voting yes, and with Supervisor Cash abstaining.
School/Trustee Election Consolidation	Moved by Supervisor Cash and seconded by Supervisor Brown to approve the consolidation of the election for Trustees of the Inyo County Board of Education with the June 8, 2010 Consolidated Statewide Election. Motion carried unanimously.
Grand Jury/Request to Meet w/Board	The Board reviewed and discussed the letter dated December 17, 2009 from the Inyo County Grand Jury, requesting the Board of Supervisors meet with the Grand Jury in private. County Counsel explained that there was a section of the Brown Act, which allows the Board to meet as a group with the Grand Jury. He went on to say that the request was problematic in that the Board of Supervisors is required to conduct its business in public while the Grand Jury is required to conduct its business in secret. The Board went on to identify their concerns both collectively and individually with the request, explaining that the Brown Act requirements were not relinquished just because the Board can or does meet with the Grand Jury. The Board expressed their opinion that any information that could be legally provided to the Grand Jury in private would be the same information that could be provided in an open meeting. County Counsel confirmed that the Board was not under subpoena and the Board could choose to not meet with the Grand Jury as a Group. The Board discussed the invitation further and directed County Counsel to write a letter to the Grand Jury offering to have the County Administrator and County Counsel meet with the Grand Jury to provide the Grand Jury with the information it was seeking regarding County Government and the challenges the Board of Supervisors face.
Board Members and Staff Reports	The Board Members reported on their activities during the preceding week, including constituent meetings, the Lone Pine and Owens Valley High School government class tour of the administrative center, the DWP meeting on the solar project, a Southern Inyo Hospital meeting, an Alabama Hills Stewardship Group meeting, the Jill Kinmont Booth Reading Project kickoff, and the upcoming Inyo Associates meeting in Death Valley.
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 2:30 p.m., to convene in closed session, with all Board Members present to discuss and take action as appropriate on Agenda Item No. 19A. 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.

Report on Closed Session The Chairperson recessed closed session at 2:50 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 regular meeting at 2:50 p.m., to 9:00 a.m., Tuesday, January 19, 2010, in the Board of Supervisors Room, at the County Administrative Center, in Independence.

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

Chairperson, Inyo County Board of Supervisors

*by: _____
Patricia Gunsolley, Assistant*