

# MINUTES

# County of Inyo Board of Supervisors

## March 16, 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, March 16, 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 from the public wishing to address the Board.
- County Department Reports      The Chairperson announced the County Department Report period and there were no reports forthcoming.
- Introduction      The County Administrator, Mr. Kevin Carunchio, introduced Ms. Sarah Craighead, Park Superintendent, Death Valley National Park and Victoria Wilkins, the Environmental Policy Act Director to the Board. Ms. Craighead made some introductory remarks and the Board welcomed her and Ms. Wilkins to Inyo County.
- Trial Courts/New Courthouse in Inyo County      Inyo Presiding Court Judge Brian Lamb updated the Board regarding Courthouse Construction Projects in Inyo County. He advised the Board of a change in the parameters for a new court facility in Inyo County. He explained that the AOC has changed the rules and is now looking at building the larger courthouse facility in the Bishop area with State Court funds and a smaller court facility in Independence using the Inyo County Courthouse Construction funds, which have remained in the County. He said that the AOC was looking at the larger populace base as the justification for the new location. Judge Lamb confirmed that as the Presiding Judge he made the decision to relocate the new courthouse from Independence to Bishop. Judge Lamb assured the Board that the smaller court facility in Independence will facilitate the in custody matters, which should help keep prisoner transport costs down. The Board expressed their concern with the AOC and the Judges changing the location. They supported the larger courthouse being located in Independence, as originally endorsed by the Board, because it is the County Seat, which is the appropriate location for the courthouse. Supervisor Fortney explained that Independence is centrally located in Inyo County and noted that while the larger population lives in the Bishop area, the only place for population growth is in the south County where there is private land available. Supervisor Fortney noted that if, as the Judge had said, there is only going to be one new courthouse in the County, it would better serve the future needs of the public and the Court if it were centrally located in Independence. Supervisor Fortney requested the Judge to reconsider and support the new Courthouse be built in Independence. Judge Lamb reviewed the reasons for changing the location of the larger court facility and said that nothing he has heard regarding keeping the larger facility in Independence has changed his mind regarding locating the larger facility in the Bishop area. The Judge also informed the Board that he and Judge Stout would be meeting with members of the public and local organizations to provide information on the change in courthouse location. Independence Residents Kurt Petersen, Bruce Ivey and Nancy Masters addressed the change in location advocating that the larger Courthouse remain in Independence.
- Emerg. Serv./Mud Flows Continued      Moved by Supervisor Cash and seconded by Supervisor Arcularius to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows, to the next regularly scheduled Board of Supervisors meeting. Motion carried unanimously.
- Motor Pool/Surplus Equipment      Moved by Supervisor Cash and seconded by Supervisor Arcularius to A) declare the vehicles and equipment recommended by Staff and identified as Exhibit A to the Staff Report as surplus; B) authorize Motor Pool to offer the vehicles for sale utilizing the sealed bid process; C) authorize Motor Pool to utilize General Auction Company located in Buena Park, California, for the removal and sale of any remaining County owned surplus vehicles and equipment; and D) authorize the Deputy County Administrator to sign the consignment agreement for the sale of the vehicles and equipment through the auction process. Motion carried unanimously.

Library/Shelving P.O.	Moved by Supervisor Cash and seconded by Supervisor Arcularius to award the bid for and approve the purchase of cantilever steel shelving for the Lone Pine Library from Yamada Enterprises, as the low bidder, in an amount not to exceed \$14,105. Motion carried unanimously.
Ag Comm./All Terrain Vehicles P.O.	Moved by Supervisor Cash and seconded by Supervisor Arcularius to award the bid to and approve the purchase from Mountain Motorsports of two new Honda TRX 500FA 4x4 All Terrain Vehicles in an amount not to exceed \$14,275.45. Motion carried unanimously.
Ag. Comm./ Mosquito Abatement Chemical P.O.	Moved by Supervisor Cash and seconded by Supervisor Arcularius to A) declare Wachovia (Adapco/Fennimore Chemical) a sole-source provider of mosquito abatement chemicals for FY 2010/2011; and B) approve a blanket purchase order, effective July 1, 2010, to Wachovia (Adapco/Fennimore Chemical) for the purchase of mosquito abatement chemicals in an amount not to exceed \$50,000, contingent upon the Board's adoption of a FY 2010-2010 budget. Motion carried unanimously.
HHS-Inyo First 5 Comm./Child Care Services Contract	Moved by Supervisor Cash and seconded by Supervisor Arcularius to approve the Contract between the County of Inyo and Inyo Child Care Services (ICCS) for the provision of Non-Traditional Hours Childcare services for the period of March 16, 2010 through June 30, 2011, in an amount not to exceed \$48,000; and authorize the Chairperson to sign. Motion carried unanimously.
Org.-Wild Iris/ Sexual Abuse Awareness Month	Representatives of Wild Iris addressed the Board to talk about the activities surrounding Sexual Abuse Awareness month. Moved by Supervisor Cash and seconded by Supervisor Arcularius to approve a proclamation declaring April 2010 as Sexual Abuse Awareness Month in Inyo County. Motion carried unanimously.
BofS/NPS Wilderness & Backcountry Management Plan for D.V. Park	Ms. Sarah Craighead, Park Superintendent, Death Valley National Park, provided additional information regarding the development of a Wilderness and Backcountry Management Plan for Death Valley National Park. Ms. Craighead, Ms. Vickie Wilkins, Environmental Policy Act Director for the Park and the Board discussed the level of involvement expected of a cooperating agency. The Board questioned some of the goals identified in the MOU, expressing concern that cooperating agencies did not help identify the goals and that by approving the MOU the Board some how bought into those goals. Ms. Craighead explained that she was not willing to change the goals and clarified that she is the ultimate decision maker on the Plan. The Board discussed the County's involvement and level of participation, as well as what may be gained by the County becoming a Cooperating Agency. The Board and Ms. Craighead continued to discuss the MOU. Moved by Supervisor Brown and seconded by Supervisor Cash to approve a Cooperating Agency MOU regarding the invitation by the National Park Service for Inyo County to become a Cooperating Agency for the development of a Wilderness and Backcountry Management Plan for Death Valley National Park. Motion carried unanimously.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 11:55 p.m., to reconvene in open session at 12:30 p.m., with all Board Members present.
HHS-Social Serv./ Change in Authorized Strength	Ms. Jean Turner, Director of Health and Human Services, addressed the Board to provide further information and additional justification for the recommendations to reorganize the Social Services Division staffing. Moved by Supervisor Cash and seconded by Supervisor Fortney to A) change authorized strength by changing the title of one manager position, the Director of Child and Adult Social Services at Range 82 (\$5,503 - \$6,681) to Social Services Director, at Range 82, deleting one manager position, the Director of Eligibility and Employment at Range 82, and adding one Administrative Secretary series position in the Social Services Division; and B) find that consistent with the adopted Authorized Position Review Policy a) the availability of funding for the requested position exists 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, but an open recruitment would be more appropriate to ensure qualified applicants apply; and c) authorize the hiring of one Administrative Secretary I at Range 56 (\$2,980 – \$3,618) or II at Range 60 (\$3,271 – \$3,973), contingent upon the qualifications of a successful applicant and direct Personnel to counsel County employees who may be candidates for the position of the effect of the County's lay off procedures on changes in position. Motion carried unanimously.

HHS-Behavioral  
Health./New  
Software

The Director of Health and Human Services, Ms. Jean Turner, explained that the current software support system being provided through the JPA is not working. She thanked Mr. Brandon Shults, Information Services Director, for his assistance in locating a suitable alternative. Moved by Supervisor Cash and seconded by Supervisor Arcularius to authorize the Behavioral Health Division to (a) discontinue participation in a Joint Powers Agreement (JPA) as part of the eight county Mental Health Data System Microcomputer Users Association and cease implementation and use of the Netsmart software, including Avatar billing and clinical workstation product; (b) approve a sole source contract between the County of Inyo and Echo Group for the purchase and installation of new Share Care Mental Health billing and electronic health record software, including implementation, project management and consultation services for the period of April 1, 2011 through March 31, 2011, in an amount not to exceed \$161,955, contingent upon the Board's adoption of future budget; and authorize the Chairperson to sign; and c) amend the FY 2009-10 Mental Health Budget Unit 045200 by increasing estimated revenue in State Grants (*Revenue Code #4498*) by \$161,955 and increasing appropriations in Construction in Progress (*Object Code #5700*) by \$161,955. Motion carried unanimously.

Planning/USFS  
Land Mngm.  
Planning Rule Mtg.

The Board discussed the upcoming U.S. Forest Service Land Management Planning Rule Meeting. The Supervisors discussed the timing of the meeting noting that it had been scheduled for a Tuesday, which is the day the majority of the counties in California conduct their Board of Supervisors Meeting. Supervisors Arcularius and Cash clarified that they had shared these concerns with the Deputy Director of the Forest Service and others when they were in Washington D.C. last week and hopefully future meetings will be more convenient for Boards of Supervisors participation. The Board decided that Supervisors Brown and Fortney should travel to Sacramento to participate in the meeting. Supervisors Arcularius and Cash would attend the video conferencing of the meeting scheduled for the U.S. Forest Service Office in Bishop to listen to the meeting. The Board discussed in detail and at length the items Inyo County wants to bring to the table concerning the Land Management Planning Rule which are: (a) important that counties have "influence" not "input;" (b) the counties' comments should be accepted and made a part of the document; (c) ensure that adequate and accurate economic analysis be included; (d) it should be a part of the process that counties have influence early before the rule is released and reflected in the alternatives; (e) the Forest Service should be responsible for justifying the final rule and document its consistency with counties' regulations; and (f) imperative that counties are on an equal playing field in a government to government relationship with the understanding that it's the counties who have land use authority. It was noted that on January 26, 2010 the Board approved a letter to the Forest Service in response to the notice of intent, which also details the County's position.

Planning/G.P.  
Annual Progress  
Report

Mr. Josh Hart, Senior Planner, reviewed the draft Inyo County 2009 General Plan Annual Progress Report (APR). The Board and Mr. Hart discussed the Report with the Board suggesting that on page 14 the reference to the "Government Element" reflect is complete. Moved by Supervisor Arcularius and seconded by Supervisor Brown to direct staff to forward the APR as amended to the state of California's Department of Housing and Community Development (HCD) and Governor's Office of Planning and Research (OPR). Motion carried unanimously.

Resol. No. 2010-12/  
So Cal Edison  
Strategic Plan  
Strategies

Mr. Josh Hart, Senior Planner, provided additional information and further explanation on Assembly Bill 32 and Senate Bill 375. On a motion by Supervisor Cash and a second by Supervisor Fortney, Resolution No. 2010-12, was approved supporting the County's proposal in response to the Southern California Edison Solicitation for Local Government Strategic Plan Strategies and direct Staff to submit the proposal: motion unanimously passed and adopted.

P.W./Jobs for Main  
Street Projects

The Board and Public Works Director, Mr. Ted Pedersen, discussed the Federal "Jobs for Main Street" stimulus bill, including the recommendation for submittal of two Inyo County Projects to the local LTC. He explained that the difference between projects is the cost of overlay vs. reconstruction. Moved by Supervisor Cash and seconded by Supervisor Fortney to approve the submittal of the Old Spanish Trail Highway Pavement Overlay Project and the Ed Powers Bike Lane Project to the Inyo County Local Transportation Commission (LTC) to be considered for programming in the Federal State Transportation Improvement Program; and authorize the Public Works Director to sign any documents necessary to implement Inyo County Jobs for Main Street projects. Motion carried unanimously.

CAO-Purchasing/  
Changes in Local  
Contracting  
Preferences

Mr. Kevin Carunchio, County Administrator, reviewed the draft ordinance incorporating small business enterprise, disabled veteran, and local business contracting preferences in the County's purchasing policy. Several Board Members noted the definition of "local" and thanked the County Administrator and County Counsel for defining the term. The Board and Mr. Carunchio discussed the proposed language. Mr. Carunchio clarified that (a) the County may not offer a local business preference on projects for which we are statutorily required to accept the low bid; (b) small business enterprises and disabled veteran preferences may be offered on most other contracts, unless limited by the grant funding agency; (c) a preference will not be offered when the funding source disallows that type of preferences; (d) the current purchasing policy provides for a 3% local preference for those projects that are not required by statute to be awarded to the low bidder; and (e) the proposed language provides a business can be any one of the three categories to qualify for the preferences. Mr. Dan Stone of the Inyo County Contractors Association addressed the Board to reiterate the Association's original request, which was to provide a purchasing preference exclusively to local small businesses or local disabled veteran businesses, noting that small business enterprises and disabled veteran businesses are certified by the State, and that certification could be used by the County. The Board and Mr. Stone discussed the State certification process, the expectations of the Association, the pros and cons of requiring certification, and the impacts of restricting the preference to only local bidders. The Board and Staff discussed the ability to extend or expand the local preference language currently in the purchasing policy, as well as the impact to local businesses should the language be changed to restrict the purchasing preference to only certified local bidders. Ms. Debbie Cruz of the Contractor's Association suggested that a tiered system be developed whereby vendor categories could be ranked and provide a certain percentage of preference. The Board continued to discuss the draft ordinance. The County Administrator suggested that this item be continued to a meeting in April and in the interim the draft ordinance be placed on the County's web page in order for the public to review and provide comment regarding the proposed changes. The Board concurred with the County Administrator's suggestion and thanked Staff for their work on this language.

Sheriff/COPS  
Funding  
Expenditures

Supervisor Brown briefly left the meeting. The Chairperson opened the public hearing at 2:55 p.m., to take input regarding the intended use for the "Citizen's Option for Public Safety" (COPS) monies during FY 2009-2010. The Sheriff reviewed the intended uses for the funds. There was no one from the public wishing to address the Board. The Chairperson closed the public hearing at 2:56 p.m. Moved by Supervisor Fortney and seconded by Supervisor Cash to accept and approve the use of COPS monies for personnel, equipment and programs that are necessary to support the needs of front line law enforcement; declare Digital-Ally as a sole-source provider of In-Car Digital Video Cameras and accessories; approve the purchase of three in-car digital video cameras and accessories from Digital-Ally in an amount not to exceed \$16,420; and amend the FY 2009-2010 Sheriff's General Budget Unit 022700 by increasing estimated revenue in Citizen's Options Public Safety Revenue (*Revenue Code #4488*) by \$16,420 and increasing appropriations in Vehicles (*Object Code #5655*) by \$16,420. Motion carried unanimously, with Supervisor Brown absent.

Recess/  
Reconvene

The Chairperson recessed the regular meeting at 2:56 p.m., to reconvene in open session at 3:00 p.m., with all Board Members present.

Resol. #2010-13/  
Olancha CSD Loan

The Treasurer-Tax Collector, Ms. Alisha McMurtrie explained that the Board is required to approve the loan to the CSD per the California Constitution. On a motion by Supervisor Arcularius and a second by Supervisor Brown, Resolution No. 2010-13 was approved providing pursuant to the provisions of Article XVI, Section 6 of the California Constitution, thereby approving an interim loan from the county treasury to the Olancha Community Service District in the aggregate amount of \$20,000 for the purpose of financing the District's operational costs during the 2009-10 fiscal year prior to receipt of their second installment of property tax apportionment: motion unanimously passed and adopted.

Water Dept./Field  
Assistant Position

Moved by Supervisor Fortney and seconded by Supervisor Brown to find that consistent with the adopted Authorized Position Review Policy A) the availability of funding for the requested positions exists as certified by the Water Director and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates meet the qualifications for the positions, the vacancies could possibly be filled through an internal recruitment, but an open recruitment would be more appropriate as there may not be sufficient internal applicants to fill the requested positions; and c) authorize the hiring of four seasonal Field Assistant I positions at Range 050PT (\$13.90 - \$16.87 per hour) for the period of June 1, 2010 through September 30, 2010, contingent upon the Board's adoption of a FY 2010-2011 budget and direct Personnel to counsel County employees who may be candidates for the position of the effect of the County's lay off procedures on changes in position. Motion carried unanimously.

Water Dept.-CAO-IS/GIS Technician Position	Moved by Supervisor Cash and seconded by Supervisor Brown to A) create the position of GIS Technician I-IV, Range 65, 69,72, 76 (\$3,671-\$5,796) and approve the job description; B) change the authorized strength within the Water Department by deleting the GIS/LAN Administrator, Range 74 (\$4,547-\$5,526); and by adding 0.6 FTE, GIS Technician, Range 65-76 (\$3,671-\$5,796); C) change the authorized strength in Information Services Division by reducing the current vacant Network Operations Analyst I-IV, Range 65-76 (\$3,671-\$5,796) Position from 1.0 to 0.5 FTE and adding 0.5 FTE GIS Technician, Range 65-76 (\$3,671-\$5,796); and E) Find that consistent with the Authorized Position Review Policy, (a) funding for this position comes from the General and Water Funds as certified by the Water Director and Information Services Director and concurred with by the County Administrator and the Auditor-Controller; (b) where internal candidates meet the qualifications for the position, the vacancy could possibly be filled through an internal recruitment, but an open recruitment would be more appropriate to ensure the most qualified applicants in the applicant pool; and (c) approve the hiring of a GIS Technician I-IV, at Range 65-76 (\$3,671-\$5,796) depending on qualifications; and direct Personnel to counsel County employees who may be candidates for the position of the effect of the County's lay off procedures on changes in position. Motion carried unanimously.
CAO-Info Serv./ Digital 395 Project Support Letter	Mr. Brandon Shults, Information Services Director, provided additional information and further justification for the letter supporting an ARRA project developed by California Broadband Cooperative, Inc. Moved by Supervisor Arcularius and seconded by Supervisor Cash to approve a letter of support for the Digital 395 Project, an American Reinvestment and Recovery Act of 2009 (ARRA) project developed by California Broadband Cooperative, Inc.; and authorize the Chairperson to sign. Motion carried unanimously.
CAO-TerraVerde Contract	Moved by Supervisor Fortney and seconded by Supervisor Brown to approve a Non-Disclosure and Exclusive Negotiations Agreement between TerraVerde Renewable Partners, LLC and the County of Inyo for the development of potential financing and ownership structures for the installation of photovoltaic electric systems in County owned facilities; and authorize the County Administrator to sign. Motion carried unanimously.
CAO-Trial Courts/ MOU with AOC for Courthouse Construction Fund Interest Accrual	The County Administrator explained that the AOC is requiring the County pay the back interest accrued on the Courthouse Construction Funds, which the AOC allowed the County to retain. Inyo County Presiding Superior Court Judge Brian Lamb addressed the Board to provide further explanation and justification for the payment of the interest. The Board of Supervisors and Judge Lamb discussed the Memorandum of Understanding in detail and at length with Judge Lamb cautioning that the non-payment of the accrued interest would most likely result in the AOC "sweeping" the Inyo County Courthouse Construction Fund monies into the State General Fund, thus making it unavailable to Inyo County for its Courthouse construction. The Board expressed its concern with putting the County's Courthouse Construction funds at risk. Moved by Supervisor Arcularius and seconded by Supervisor Cash to reconsider and approve the Memorandum of Understanding proposed by the Administrative Office of the Courts: and A) authorize the Auditor-Controller, upon presentation of a fully executed copy of the MOU, to accrue the interest earned on monies in the Courthouse Construction Fund in the Courthouse Construction Fund retroactive to October 1, 2008; B) to accomplish retroactive accrual of interest to the Courthouse construction Fund consistent with the action above, amend the FY 2009-2010 General Revenue and Expenditure Budget Unit 011900 by decreasing revenue in the Interest From Treasury ( <i>Revenue Code #4301</i> ) in an amount not to exceed \$30,000 and decreasing expenditures in Operating Transfers Out ( <i>Object Code #5801</i> ) by an amount not to exceed \$30,000, and reallocated an amount not to exceed \$45,000 from the SRAF to the CCF in the Operating Transfers Out ( <i>Object Code #4301</i> ); and C) authorize the County Administrator to sign the MOU. Motion carried unanimously.
BofS/Minute Approval	Moved by Supervisor Cash and seconded by Supervisor Brown to approve the minutes of the February 23, 2010 and March 2, 2010 Board of Supervisors Meetings. Motion carried unanimously.  Moved by Supervisor Fortney and seconded by Supervisor Brown to approve the minutes of the March 9, 2010 Board of Supervisors Meeting. Motion carried unanimously, with Supervisors Arcularius and Cash abstaining.

Fish & Game/Supply Letter of Hunting Reg. Changes Supervisor Fortney provided additional information on the recommendation by the Inyo Fish and Wildlife Commission that the Board of Supervisors send a letter supporting the regulation changes that would separate the current G-3 hunting zone into two separate zones. Supervisor Fortney explained that he felt the Board's previous letter had supported the change in the regulations to expand the G-3 zone and felt this would duplicate that letter. He asked the Board to not take action on this request and give him the opportunity to discuss it further with the Commission and the Fish and Game biologists. The Board concurred with Supervisor Fortney's recommendation and took no action on the request by the Inyo Fish and Wildlife Commission that the Board send a letter supporting the proposed changes to the Fish and Game Regulations which would separate the current G-3 Hunting Zone into two separate (North and South) zones.

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

Recess/Reconvene The Chairperson recessed the regular meeting at 4:10 p.m., to reconvene in closed session at 4:20 p.m., with all Board Members present.

Closed Session The Board met in closed session to discuss and take action as appropriate on closed session Agenda Items No. 30. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(a)] – In the Matter of Authorization to Construct a Geologic Repository at Yucca Mt., NRC Docket No. 63-001; CLI-08-25; and No. 31. CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: ICEA - Negotiators: CAO Kevin Carunchio and Labor Relations Administrator Sue Dishion.

Report on Closed Session The Chairperson recessed closed session at 5:50 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 5:50 p.m., to 9:00 a.m., Tuesday, April 6, 2010, in the Board of Supervisors Room, at the County Administrative Center, in Independence.

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*Chairperson, Inyo County Board of Supervisors*

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

by: \_\_\_\_\_  
*Patricia Gunsolley, Assistant*