

MINUTES

County of Inyo Board of Supervisors

June 1, 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, June 1, 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 Fortney 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. The Auditor-Controller, Ms. Leslie Chapman, presented the Audited Financial Reports to the Board. She explained the reports in some detail and responded to questions from the Board. She also clarified the asset to liability ratio. Ms. Jean Turner, Director of Health and Human Services, presented her weekly budget update sheet, explaining the changes between last week's report and this week's report. The Planning Director, Mr. Josh Hart, provided an update on the Desert Renewal Project. The County Administrator reported that BLM is being responsive to the County's requests regarding coordination on the Solar Energy PIS.
- Emeg. Serv./Oak Creek Mud Flows Moved by Supervisor Brown and seconded by Supervisor Fortney to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.
- Integ. Waste/ESP Sunland Landfill Lease Moved by Supervisor Brown and seconded by Supervisor Fortney to approve the Commercial Lease Agreement between the County of Inyo and Eastern Sierra Propane for the period of July 1, 2010 through June 30, 2015, with two options to extend the contract for 5-years each, in the amount of \$40 per month, 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.
- Integ. Waste/Bishop Waste Sunland Landfill Lease Moved by Supervisor Brown and seconded by Supervisor Fortney to approve the Commercial Lease Agreement between the County of Inyo and Bishop Waste Disposal, for the period of July 1, 2010 through June 30, 2015, with two options to extend the contract for 5-years each, in the amount of \$325 per month, 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.
- Motor Pool/Surplus Vehicles Disposed The County Administrator corrected information on Item 6 on the vehicle list as follows: asset 65131991, Ford Ranger, VIN IFTCRLTXMUS80951, License 342579. Moved by Supervisor Brown and seconded by Supervisor Fortney to A) declare the vehicles recommended by Staff and as amended, as surplus; B) authorize Motor Pool to offer the vehicles for sale utilizing the sealed bid process; and 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. Motion carried unanimously.
- HHS-Misc./U.C. Davis Training Contract Moved by Supervisor Brown and seconded by Supervisor Fortney to approve the Contract between the County of Inyo and the Regents of the University of California on behalf of its Davis Campus University Extension, for training services for the period of July 1, 2010 through June 30, 2011, in an amount not to exceed \$44,160, contingent upon the Board's adoption of a FY 2010-2011 budget; and authorize the Chairperson to sign. Motion carried unanimously.
- HHS-IMAAA/Food Trays and Coverings P. O. Moved by Supervisor Brown and seconded by Supervisor Fortney to declare Oliver Products Company a sole-source provider of food service equipment and approve a blanket purchase order to Oliver Products Company for the purchase of food trays and coverings for the home delivered meals program for FY 2010-2011 in an amount not to exceed \$25,000, contingent upon the

Board's adoption of a FY 2010-2011 budget. Motion carried unanimously.

HHS-EMS/EMS
Trust Fund
Expenditures

Moved by Supervisor Brown and seconded by Supervisor Fortney to approve the following contracts for projects to be funded from the Emergency Medical Services Trust Fund 505107, for the period of July 1, 2010 through June 30, 2011, in the amounts designated for a total not to exceed \$32,411, contingent upon the Board's adoption of a FY 2010-2011 budget; and authorize the Chairperson to sign: A) \$6,674 to Independence Volunteer Fire Department for the purchase of two Zoll AED devices; B) \$12,000 to Olancho Cartago Fire Department for one ambulance cot and one End Tidal CO2 monitor; and C) \$13,737 to Lone Pine Volunteer Fire Department for ten Motorola Minitor V Pagers, two CASMED 740 Vital Sign Monitors, and two refurbished Zoll AED devices. Motion carried unanimously.

HHS-Behavioral
Hlth Serv./Tarzana
Treatment Centers
Contract Amend.

Moved by Supervisor Brown and seconded by Supervisor Fortney to approve Amendment No. 2 to the Contract between the County of Inyo and Tarzana Treatment Centers for the provision of residential alcohol and drug treatment, increasing the amount by \$11,000 to a total contract amount not to exceed \$61,000, for the period of July 1, 2009 through June 30, 2010; and authorize the Chairperson to sign. Motion carried unanimously.

P.W./Nichols
Consulting
Engineers Contract
Amendment

Moved by Supervisor Brown and seconded by Supervisor Fortney to approve Amendment No. 2 to the Contract between the County of Inyo and Nichols Consulting Engineers, CHTD (NCE) for the implementation of the Pavement Management Program, to extend the term of the Contract to June 30, 2011, contingent upon the Board's adoption of a FY 2010-2011 budget; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.

P.W./Core Lease
Agreement

Moved by Supervisor Brown and seconded by Supervisor Fortney to approve the Lease Agreement between the County of Inyo and Jerry & Deborah Core and James & Mary Core for office space rental at 873 North Main Street in Bishop, for the period of June 15, 2010 through June 14, 2013, in an amount not to exceed \$2,091 per month plus utilities, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign. Motion carried unanimously.

P.W./ESR Airport
Restaurant Lease
Amendment

Moved by Supervisor Brown and seconded by Supervisor Fortney to approve Amendment 1 to the Lease, between the County of Inyo and Weng-Cheong Lim, for the *Thai Thai Restaurant* at the Eastern Sierra Regional Airport, to amend the terms of the lease by changing the conditions whereby breakfast service will be provided, effective June 1, 2010; and authorize the Director of Public Works to sign. Motion carried unanimously.

Rd. Dept./Cold Mix
Asphalt P. O.

Moved by Supervisor Brown and seconded by Supervisor Fortney to declare Wulfenstein Construction Company a sole-source provider of cold mix asphalt and approve a purchase order to Wulfenstein Construction Company for the purchase of 500 tons of cold mix asphalt in an amount not to exceed \$38,062.50. Motion carried unanimously.

Auditor/Account
Technician Position

The Auditor-Controller, Ms. Leslie Chapman, provided additional information and further justification for filling an Account Technician position. Moved by Supervisor Cash and seconded by Supervisor Arcularius to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the Account Technician position exists as certified by the Auditor-Controller and concurred with by the County Administrator; B) where internal candidates meet the qualifications for the position, the vacancy could possibly be filled through an internal recruitment; C) approve the hiring of an Account Technician I at Range 55 (\$2,910-\$3,537) or II at Range 59 (\$3,194 - \$3,880) depending upon 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.

D.A./Special
Appropriations
Budget Amendment

Moved by Supervisor Cash and seconded by Supervisor Arcularius to amend the FY 2009-2010 District Attorney Budget Unit 022400 by increasing estimated revenue in Restitutions (*Revenue Code #4676*) by \$12,532 and increasing appropriations in Special Appropriations (*Object Code #5321*) by \$12,532. Motion carried unanimously.

P.W./Donation from
Bishop Rotary Club
for ESRA Beacon
Repair

The Director of Public Works, Mr. Ted Pedersen, provided additional information on the donation from the Bishop Rotary Club to repair the rotating beacon at the airport in Bishop. The Chairperson directed Staff to draft a thank you letter to the Bishop Rotary Club for the donation and Supervisor Arcularius clarified that the Rotary Club Foundation was the entity actually making the donation.

Moved by Supervisor Cash and seconded by Supervisor Arcularius to A) accept a \$1,176.70 donation from the Bishop Rotary Club to be used to offset the cost of repairing the rotating beacon at the Eastern Sierra Regional Airport, pursuant to Inyo County Code §6.26.020 (B); and B) amend the FY 2009-2010 Eastern Sierra Regional Airport Budget Unit 150100 by increasing estimated revenue in Donations (*Revenue Code #4951*) by \$1,176 and increasing appropriations in Maintenance of Equipment-Labor (*Object Code #5171*) by \$300 and Maintenance of Equipment-Parts (*Object Code #5173*) by \$876. Motion carried unanimously.

Planning-Yucca Mt.
County Counsel/
James Contract

Mr. Randy Keller, County Counsel, explained that this contract would cover the County's involvement in the Yucca Mountain Repository Licensing proceedings. The Board took the opportunity to thank Mr. James for his continued support of Inyo County, noting that this contract is very favorable to the County because of Mr. James' knowledge and experience concerning many of the County's very important and long running issues. The Board also noted that the contract is an exceptional value for the level of services being rendered by Mr. James, who is considered one of the best water attorney's in the Country. Supervisor Arcularius clarified that Mr. James stepped up to help the County in its involvement with the Yucca Mountain licensing process which allowed the County to proceed quickly and expeditiously to insert the County's right to be involved in the process. By way of comparison of the rates, Supervisor Cash noted that she is currently involved in a non-contested probate matter that the attorney is charging \$430 an hour for his services. Moved by Supervisor Fortney and seconded by Supervisor Arcularius to approve the Agreement between the County of Inyo and Gregory L. James, Attorney at Law, for the provision of legal services to the County related to the Yucca Mountain Repository Licensing Proceedings before the Nuclear Regulatory Commission and related Court actions, for the period of July 1, 2010 through June 30, 2011, at a base rate of \$185 per hour, as set forth in the Contract, with travel time paid at \$50 per hour, for a Contract limit not to exceed \$100,000, contingent upon the Board's adoption of a FY 2010-2011 budget; and authorize the Chairperson to sign. Motion carried unanimously.

Planning-Yucca Mt.-
County Counsel/
Berger Contract

Mr. Randy Keller, County Counsel, explained that the Michael Berger Contract amendment is extending the term of the Contract to the date the litigation defined in the scope of work is completed. He confirmed that the contract amount was not being increased. In response to a question from the Board, Mr. Keller indicated that the rate for Mr. Berger's services under this Contract is \$250 per hour. Moved by Supervisor Cash and seconded by Supervisor Brown to approve Amendment No. 2 to the Agreement between the County of Inyo and Michael Berger, Esq., amending the term of the Contract to expire at the completion of litigation rather than on June 30, 2010, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign. Motion carried unanimously.

Recess/
Reconvene

The Chairperson recessed the regular meeting at 9:55 a.m., to reconvene at 10:10 a.m., with all Board Members present.

Water/James
FY 2009-2010
Contract
Amendment

County Counsel explained that the Contract Amendment for Mr. James' Contract will increase the amount by \$25,000 for this year to cover the work Mr. James has been do on the development of renewable energy projects in the County. Moved by Supervisor Fortney and seconded by Supervisor Brown to approve Amendment No. 1 to the agreement between the County of Inyo and Gregory L. James, Attorney at Law, for the provision of Water/Environmental Attorney services to the Water Department, for the period of July 1, 2009 through June 30, 2010, to increase the Contract limit by \$25,000 to a total contract amount not to exceed \$85,000; and authorize the Chairperson to sign. Motion carried unanimously.

Water/James FY
2010-11 Contract

County Counsel explained that this contract would provide for Mr. James services to the Water Department, his office and the County Administrator's Office for next year. The Board echoed the comments made earlier regarding the value of Mr. James services to the County and thanked him again for his commitment to Inyo County. Moved by Supervisor Arcularius and seconded by Supervisor Cash to approve the Agreement between the County of Inyo and Gregory L. James, Attorney at Law, for the provision of Water/Environmental Attorney services to the Water Department, County Counsel and the County Administrator, for the period of July 1, 2010 through June 30, 2011, at the rate of \$155 for every hour of legal services except travel time which will be paid at \$50 per hour for a total Contract amount not to exceed \$90,000, contingent upon the Board's adoption of a FY 2010-2011 budget; and authorize the Chairperson to sign. Motion carried unanimously.

CAO-Risk/Kirby
FY 2010-11
Contract

The Risk Manager, Ms. Marlena Baker, provided information regarding how Mr. Kirby's contract is reimbursed. The Board thanked Mr. Kirby for his continued commitment to Inyo County, noting that Mr. Kirby has accepted an hourly rate that is very favorable to the County. Moved by Supervisor Cash and seconded by Supervisor Brown to approve the Agreement between the County of Inyo

and John D. Kirby, A.P.C., for the provision of civil litigation services for the period of July 1, 2010 through June 30, 2011, at the rate of \$180 per hour for a total Contract amount not to exceed \$200,000, contingent upon the Board's adoption of a FY 2010-2011 budget; and authorize the Chairperson to sign. Motion carried unanimously.

CAO-Personnel/
Romo Contract

Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve Amendment No. 1 to the Agreement between Atkinson, Andelson, Loya, Ruud & Romo for the provision of legal services in the area of general labor and employment advice and representation extending the term of the Contract one year to expire on June 30, 2011, contingent upon the Board's adoption of a FY 2010-2011 budget; and authorize the Chairperson to sign. Motion carried unanimously.

CAO-Personnel/
Liebert Cassidy
Contract

Moved by Supervisor Cash and seconded by Supervisor Arcularius to approve Amendment No. 1 to the Contract between the County of Inyo and Liebert Cassidy Whitmore for the provision of legal services in the area of general labor and employment advice and representation extending the term of the Contract one year to expire on June 30, 2011, contingent upon the Board's adoption of a FY 2010-2011 budget; and authorize the Chairperson to sign. Motion carried unanimously.

BofS/Minute
Approval

Moved by Supervisor Arcularius and seconded by Supervisor Brown to approve the minutes of the Board of Supervisors Meetings as follows: A) May 11, 2010; B) May 18, 2010; and C) May 25, 2010. Motion carried unanimously.

Board Members and
Staff Reports

The Board Members reported on the activities during the preceding week, including Mule Days participation, the upcoming CSAC Legislative Conference, an EMCC Meeting, Memorial Day Ceremonies, various constituent meetings, and a Big Pine School Board Meeting.

Recess/
Reconvene

The Chairperson recessed the regular meeting at 11:00 a.m., to reconvene in open session at 11:10 a.m., with all Board Members present.

CAO-Personnel/
Other Post
Employment
Benefits

The Board and members of the Financial Advisory Committee discussed the proposed Investment Policy for the Other Post Employment Benefits Trust. The County Administrator explained that the Board needed to decide whether to choose the moderate or moderately conservative investment portfolio. He explained that basically the moderate investments have a higher volume of stocks and the moderately conservative investments have a higher volume of bonds in the portfolios. He explained that the goal was to, in the long run, produce the highest return on the investments. He said that these funds would be invested for a long-time (30-years) and that is the reason for the moderate investment recommendation, because historically stocks out perform bonds over long periods of time. The County Administrator noted that the FAC had decided, on a four to one vote to recommend the moderate investment. Mr. Randy Keller, County Counsel, explained that he had been the dissenting vote because in a review of the 5-year history of the funds the moderately conservative fund had outperformed the moderate fund. The County Administrator noted that the reason the County chose to invest these funds with PARS was because of the flexibility of investing. He said the County may change its investment choices at anytime, therefore, if after a six-month or a year review of the performance of the fund, a change could be made. After further discussions regarding the anticipated length of the investments and other investment strategies, Supervisors Arcularius, Cash, Brown, and Cervantes supported the moderate investment portfolio and Supervisor Fortney supported the moderately conservative portfolio.

Moved by Supervisor Cash and seconded by Supervisor Brown to adopt an Investment Policy for the Other Post Employment Benefits Trust recently established with Public Agency Retirement Services, adopting the moderate investment portfolio and directing that a review of the 6-month performance of the investment be brought back for Board review. Motion carried on a four-to-one vote, with Supervisors Arcularius, Cash, Brown and Cervantes voting yes and with Supervisor Fortney voting no.

Moved by Supervisor Cash and seconded by Supervisor Arcularius to authorize the County Administrative Officer to sign the resulting Investment Guidelines document; and authorize the Auditor-Controller to transfer \$2 million from General Operating Expenses, Other Agency Contributions to the Other Post Employment Benefits Trust. Motion carried unanimously.

Resol. #2010-22/
Support Digital 395

Mr. Brandon Shults, Information Services Director provided additional information and further clarification. The Board and Staff discussed the resolution supporting the Digital 395 Project, with the County Administrator suggesting the following language for on an additional whereas clause to provide further clarification on the County's support: "Whereas, to the extent that Digital 395 will

offer the most competitive and technically superior broadband alternative, the County of Inyo will utilize these services." On a motion by Supervisor Cash and a second by Supervisor Arcularius to approve Resolution #2010-22 supporting the Digital 395 Project, as amended to include the recommended addition: motion unanimously passed and adopted.

- 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 11:50 a.m., to reconvene in closed session at 12:30 p.m., with all Board Members present.
- Closed Session The Board met in closed session to discuss and take action as appropriate on Agenda Items No. 29. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION [Pursuant to Government Code §54956.9(c)]** – Decision whether to initiate litigation (one case); No. 30. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: ICEA - Negotiators: Labor Relations Administrator Sue Dishion; Undersheriff Jim Jones, Deputy County Counsel Susanne Rizo, Chief Probation Officers Jeff Thomson; No. 31. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Law Enforcement Administrator's Association (LEAA) - Negotiators: CAO Kevin Carunchio and Labor Relations Administrator Sue Dishion; and No. 32. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Elected Officials Assistant Association (EOAA) - Negotiators: CAO Kevin Carunchio and Labor Relations Administrator Sue Dishion.
- Report on Closed Session The Chairperson recessed closed session at 5:40 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 5:40 p.m., to 9:00 a.m., Tuesday, June 8, 2010, in the Board of Supervisors Room, at the County Administrative Center, in Independence.

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

by: _____
Patricia Gunsolley, Assistant

Chairperson, Inyo County Board of Supervisors