

MINUTES

County of Inyo Board of Supervisors

August 3, 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, August 3, 2010, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Richard Cervantes presiding, Linda Arcularius, Susan Cash, and Marty Fortney. Supervisor Brown was absent. Supervisor Cervantes provided the Invocation, and Supervisor Arcularius 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. Ms. Jean Turner, Director of Health and Human Services, provided a state budget update. Ms. Linda Anisman, Director of Child Support Services, announced that August was Child Support Awareness Month and her Department is participating in the "Get Back on the Road" Program. Mr. Josh Hart, Planning Director, briefly reported on the Washington D.C. trip to participate in the Forest Service Planning Rule Meeting. Mr. Jon Klusmire, Museum Services Director, updated the Board on the USGS's Geotourism Project and that Granite Construction has donated a load of gravel to the Museum, which they will be using to complete the Jane Bright Geologic Rock Garden.
- Emerg. Serv./Oak Creek Mud Flows 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. Motion carried unanimously, with Supervisor Brown absent.
- CAO-Info Serv./Postage P.O. Moved by Supervisor Cash and seconded by Supervisor Arcularius to approve a blanket purchase order in the amount of \$89,000 to Pitney Bowes Purchase Power for postage to be paid from the FY 2010-11 Information Services Budget, contingent upon the Board's adoption of a FY 2010-2011 budget. Motion carried unanimously, with Supervisor Brown absent.
- CAO-Info Serv./Provox Systems Agenda.NET Contract Moved by Supervisor Cash and seconded by Supervisor Arcularius to A) ratify a software licensing agreement with Provox Systems Inc., granting the County of Inyo a perpetual, unlimited use of Agenda.NET automation software in an amount not to exceed \$4,850 which includes 12 months of maintenance to begin on 9-1-10 with Provox Systems; B) approve an agreement for professional installation and training services with Provox Systems, Inc., in an amount not to exceed \$7,300 plus travel, travel related costs, and applicable taxes; and C) authorize the Information Services Manager to sign. Motion carried unanimously, with Supervisor Brown absent.
- Integ. Waste/Vector Engineering Contract Amendment Moved by Supervisor Cash and seconded by Supervisor Arcularius to approve Amendment No. 1 to the Contract between the County of Inyo and Vector Engineering, Inc., for Solid Waste Technical Services, amending the scope of work and increasing the Contract amount from \$388,985 to \$446,020, contingent upon the Board's adoption of a FY 2010-11 budget; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously, with Supervisor Brown absent.
- Sheriff/RIMS Support Serv. Moved by Supervisor Cash and seconded by Supervisor Arcularius to approve payment to Sun Ridge Systems, Inc., of \$18,750 for RIMS Annual Support Services from July 1, 2010 through June 30, 2011. Motion carried unanimously, with Supervisor Brown absent.
- VSO/Subvention & Medical Certs. Moved by Supervisor Cash and seconded by Supervisor Arcularius to approve the Subvention and Medi-Cal Certificates of Compliance for FY 2010-2011 and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Brown absent.
- Rd. Dept./State of California Road Moved by Supervisor Cash and seconded by Supervisor Arcularius to A) declare the Controller of the State of California a sole source provider of Road Report services; B) approve the Contract

Report Contract between the County of Inyo and Controller for the State of California for preparation of the Annual Road Report for the fiscal year ending June 30, 2010, in an amount not to exceed \$4,000, contingent upon the Board's adoption of a FY 2010-2011 budget; C) designate the Road Commissioner as the person responsible for making the Road Report; and D) authorize the Road Commissioner to sign. Motion carried unanimously, with Supervisor Brown absent.

P.W./Energy Efficiency Grant Moved by Supervisor Cash and seconded by Supervisor Fortney to approve the Grant Agreement Contract for the receipt of Energy Efficiency Upgrade funds provided by the California Energy Commission and authorize the County Administrator to sign. Motion carried unanimously, with Supervisor Brown absent.

CAO-Adv. Co. Resources/Comm. Project Sponsorship Projects Mr. Jon Klusmire, Museum Services Director, provided the Final Report on the Bishop Chamber of Commerce's projects and on the Laws Museum Project. Ms. Susan Cullen, representing the Museum, addressed the Board to thank the County for its support of the Museum. Moved by Supervisor Fortney and seconded by Supervisor Cash to approve payments to the following organizations as final payment for the completion of Community Project Sponsorship Grant Projects as follows: \$3,500 to the Bishop Chamber of Commerce for the Bishop Creek Canyon Summer Classic Trout Derby; \$5,000 to the Bishop Chamber of Commerce for the 2010 California High School Rodeo State Finals Championship; \$2,225.47 to the Independence Chamber of Commerce for the Independence Fathers Day Weekend Fishing Derby; \$1,187.50 to the Bishop Museum and Historical Society – Laws Museum for the Richard Elloyan Annual Laws Railroad Museum Benefit Concert. Motion carried unanimously, with Supervisor Brown absent.

BofS/Minute Approval Moved by Supervisor Fortney and seconded by Supervisor Arcularius to approve the minutes of the Board of Supervisors as follows: A) July 6, 2010 and B) July 13, 2010. Motion carried unanimously, with Supervisor Brown absent.

ESTA/Line of Credit The County Administrator briefly explained that in the past the Inyo County Board of Supervisors has chosen to wait until after the County's budget is adopted to consider the request by ESTA for a line of credit and this item is before the Board for direction on how to proceed with the request this year. Supervisor Cash clarified a news report by explaining that Inyo County has always supported the line of credit for ESTA contrary to the report, which said the County did not provide a line of credit the first year. Supervisor Cash explained that Inyo County's process just takes a little longer than other jurisdictions. Moved by Supervisor Arcularius and seconded by Supervisor Cash to direct that the request from Eastern Sierra Transit Authority for the County of Inyo's continued participation in helping to fund a line of credit for the Eastern Sierra Transit Authority in a minimum amount of \$40,000 be agendaized for the first Board Meeting after the adoption of the final budget. Motion carried unanimously, with Supervisor Brown absent.

District/Inyo-Mono Conserv. District Moved by Supervisor Cash and seconded by Supervisor Fortney to order the consolidation of the District's election of Board Members with the Statewide General Election to be held on November 2, 2010. Motion carried unanimously, with Supervisor Brown absent.

Recess/Reconvene The Chairperson recessed the regular meeting 9:50 a.m., to reconvene in open session at 10:00 a.m., with all Board Members present, except Supervisor Brown.

Board Members and Staff Reports The Board Members reported on their activities during the preceding week, including a report that Supervisor Cash is no longer pursuing the NACo Prescription Drug Program for Inyo County, a Bishop City Council Meeting, a DFG Meeting on the Mt. Whitney Fish Hatchery, a report on the Washington DC trip, including meetings with our congressional representatives, and detailed report on the Forest Service Planning Rule Meeting, a detailed report on the NACo Annual Conference by several Board Members, a Interagency Visitors Center Meeting, notification that the Lone Pine AWOS is still broken. At the request of the County Administrator, the Chairperson announced that the Board Members and Staff Reports portion of today's meeting would continue after the Board's consideration of Agenda Item No. 13 regarding the renewable energy projects ordinance.

Planning/Renewable Energy Development Agreements Ordinance The Chairperson opened the public hearing at 11:00 a.m., on an ordinance that adds Title 21 "Renewable Energy Development" to the Inyo County Code, amends Title 2, Section 2.40.070 of the County Code and adds Section 20.08.120 to Title 20 of the County Code. The Planning Director, Mr. Josh Hart, reviewed the Staff Report, the ordinance and the Staff's recommendations in detail and at length. Mr. Andy Holmes of Triad Holmes Associates addressed the Board to support the adoption of the ordinance, saying that he felt anything that would streamline the approval process for these types of developments is a positive thing. Mr. Jim Stroh of Independence also addressed the Board to support the ordinance. The Board expressed a desire to change the ordinance to address the Planning Commission's role along with CEQA approvals and a couple of other minor clerical changes. County Counsel explained how these changes could be made prior to the adoption of the ordinance. Mr. Bill Helmer of Big Pine, representing the Big Pine Tribe, said that he was neither speaking for or against the ordinance, he is asking that the public hearing be extended in order to give the public more time to participate in the discussions regarding the ordinance. The Board and Staff continued to discuss the ordinance at length. County Counsel suggested that the Board take a break to provide Staff an opportunity to make the changes in the ordinance being suggested by the Board. The Chairperson recessed the public hearing at 12:30 p.m., to reconvene in the public hearing at 1:30 p.m., with all Board Members present, except Supervisor Brown. County Counsel, Mr. Randy Keller, presented the Board with a revised ordinance noting the changes as follows:

Page 1, Paragraph E2 fourth line "activities, *access, and other existing land uses.*";

Page 5, 21.08.100 seventh line "agreements, *nor will the Planning Commission be the County agency for the purpose of California Environmental Quality Act review and processing for such projects. Further,*"

Page 5, 21.08.100 sixteenth line "Supervisors, *which will be the review and processing agency for compliance with the California Environmental Quality Act,*" and

Page 13, first Paragraph sixth line "permits, *including related California Environmental Quality Act documents,*".

The Board and staff continued to discuss extending the public hearing in order to provide the public more opportunity to provide input on the issue.

Moved by Supervisor Cash and seconded by Supervisor Fortney to A) continue the Public Hearing on the ordinance changed as noted above, that adds Title 21 "Renewable Energy Development" to the Inyo County Code, amends Title 2, Section 2.40.070 of the County Code and adds Section 20.08.120 to Title 20 of the County Code, next week, Tuesday, August 10, 2010, at 11:00 a.m., in the Board of Supervisors Room, at the County Administrative Center, in Independence; and continue the following to the same time and place: B) waive the first reading of the ordinance titled "An Ordinance of the Inyo County Board of Supervisors to Add Title 21 of the Inyo County Code to Encourage and Regulate the Development of Renewable Energy Resources within Inyo County to Amend Title 2, Section 2.40.070 of the Inyo County Code and to Add Section 20.08.120 to Title 20 of the Inyo County Code"; C) schedule the enactment of the ordinance for 11:00 a.m., Tuesday, August 17, 2010 in the Board of Supervisors Room, at the County Administrative Center, in Independence; and D) if the ordinance is adopted direct the County Planning Department to promptly file a notice of exemption with the County Clerk stating that the adoption of the ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA). Motion carried unanimously, with Supervisor Brown absent.

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

Board Members and Staff Reports Continued The Chairperson continued the Board Members and Staff Reports with Supervisor Fortney, County Counsel, Mr. Randy Keller, the County Administrator, Mr. Kevin Carunchio, and, the Planning Director, Mr. Josh Hart, continuing their reports on the Forest Service Rule Planning Meeting they attended in Washington D.C. last week. They each talked about the different break out sessions they had individually participated in and shared their insight about what transpired at the meeting. The group concluded that the County's participation at this level is (a) important to ensure that the County's issues are addressed and provides a platform for the County to network with other jurisdictions that may have similar issues. The Board talked about continuing to promote the involvement of other Counties, RCRC, CSAC and NACo in this process. The County Administrator

went on to report on a situation regarding the Sierra Nevada Conservancy and the LORP Project.

Closed Session

The Chairperson recessed open session at 2:06 p.m., to convene in closed session, with all Board Members present, except Supervisor Brown, to discuss and take action as appropriate on Agenda Items No. 17. **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. CVPT 05-37969 (Sierra Club #3);** No. 18. **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 (Sierra Club #4);** No. 19. **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 Officer Jeff Thomson;** No. 20. **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: CAO Kevin Carunchio and Labor Relations Administrator Sue Dishion;** No. 21. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6] - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Elected Officials Assistants Association (EOAA) - Negotiators: CAO Kevin Carunchio and Labor Relations Administrator Sue Dishion;** and No. 22. **PERSONNEL [Pursuant to Government Code §54957] – Public Employee Performance Evaluation – Title Director Child Support Services.**

Report on Closed Session

The Chairperson recessed closed session at 3:45 p.m., to reconvene in open session to receive a report on closed session. County Counsel reported that with regard to Agenda Item No. 21. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6] - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Elected Officials Assistants Association (EOAA) - Negotiators: CAO Kevin Carunchio and Labor Relations Administrator Sue Dishion, the CAO Kevin Carunchio is no longer a negotiator, the negotiation team consists of Labor Relations Administrator Sue Dishion and Chief Probation Officer Jeff Thomson.**

Adjournment

The Chairperson adjourned the regular meeting at 3:45 p.m. to 9:00 a.m., Tuesday, August 10, 2010 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