

MINUTES

County of Inyo Board of Supervisors

September 14, 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, September 14, 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. Ms. Sylvia Milligan from Redding addressed the Board to express her appreciation of the Inyo County Board of Supervisors' efforts regarding coordination.
- County Department Reports The Chairperson announced the County Department Report period. The Public Works Director, Mr. Ted Pedersen, informed the Board that FEMA would be conducting a workshop with the Board next week on the mapping issues. Dr. Bob Harrington, Inyo County Water Director, reported on a workshop he had attended regarding the new ground water monitoring legislation requirements.
- Emerg. Serv./Oak Creek Mud Flows Moved by Supervisor Cash and seconded by Supervisor Brown to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.
- Integ. Waste/Century Environmental Contract Moved by Supervisor Cash and seconded by Supervisor Brown to approve the Contract between the County of Inyo and 21st Century Environmental Management, Inc., for the removal of stored household hazardous waste from the Inyo County Waste Management collection lockers, in an amount not to exceed \$22,813.28, 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.
- CAO-Personnel/Contract Amendment Atkinson, Loya Ruud & Romo Contract Moved by Supervisor Cash and seconded by Supervisor Brown to approve Amendment No. 2 to the Contract between the County of Inyo and Atkinson, Andelson, Loya, Ruud & Romo for the provision of legal services – general labor and employment advice, for the period of May 11, 2009 through June 30, 2011, increasing the Contract amount by \$35,000 to a total amount not to exceed \$110,000, contingent upon the Board's adoption of a FY 2010-2011 Budget; and authorize the Chairperson to sign. Motion carried unanimously.
- Resol. #2010-41/ICCOA Salaries & Terms for Employment On a motion by Supervisor Cash and a second by Supervisor Brown to approve the resolution titled "A Resolution of the Board of Supervisors, County of Inyo, State of California, Setting the Salaries and Terms and Conditions of Employment for Employees Represented by Inyo County Correctional Officers Association;" motion unanimously passed and adopted.
- HHS-Children's Serv. Council Appt. & Membership Change Moved by Supervisor Cash and seconded by Supervisor Brown to A) set the total membership at 19 members; B) appoint the members to fill the categorical slots for fiscal years 2011 through 2013 as recommended by Staff and set the quorum at 11 members; and C) appoint Pam Blackwell and Linda Benson as Co-Executive Directors. Motion carried unanimously.
- HHS-Social Serv./CAPIT/CBCA/PSSF Notice of Intent Moved by Supervisor Cash and seconded by Supervisor Brown to A) ratify the Notice of Intent for Inyo County to provide prevention services through either contract or direct administration of the funding allocations for Child Abuse Prevention, Intervention and Treatment (CAPIT), Community Based Child Abuse Prevention (CBCA) and Promoting Safe and Stable Families (PSSF); and authorize the Chairperson to sign; and B) ratify the Notice of Intent to extend the timeframe for the existing CAPIT/CBCA/PSSF approved plan for the period of July 1, 2009 through June 30, 2012; and authorize the HHS Director to sign. Motion carried unanimously.
- P.W./Amendment to Core Trust Lease Moved by Supervisor Cash and seconded by Supervisor Brown to approve Amendment One to the Lease between the County of Inyo and Core Trust for office space at 873 North Main Street, changing the Lessor from Core Trust to Inyo-Mono Title Company, a California Corporation, effective June 20, 2010; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.

P.W.-No. Inyo Airport Comm. Appointment Moved by Supervisor Cash and seconded by Supervisor Brown to appoint Mr. Randall Van Tassall to the Northern Inyo Airport Advisory Committee, to complete an unexpired four-year term ending October 31, 2012. Motion carried unanimously.

P.W./L.P. Sheriffs Substation Reject Bids-Change Plans & Specs Moved by Supervisor Cash and seconded by Supervisor Brown to A) reject all bids submitted for the Lone Pine Sheriffs Substation Addition Project; B) approve the re-scoped plans and specifications; and C) authorize the Public Works Director to re-advertise for bids for the Project. Motion carried unanimously.

Water Dept./Coop Studies Funding Agreement Moved by Supervisor Cash and seconded by Supervisor Brown to approve the Cooperative Studies Funding Agreement for the Green Book Revision Effort being conducted by the County of Inyo and the City of Los Angeles Department of Water and Power under the framework and procedures for developing revisions to the Green Book as endorsed by the Inyo/Los Angeles Standing Committee, November 27, 2006 and authorize the Chairperson to sign. Motion carried unanimously.

P.W./Blanket P.O.'s for Janitorial Supplies and Equipment Repair Parts The Board and staff discussed how blanket purchase orders affect using local vendors to provide these services. Mr. Dan Stone of the Owens Valley Contractors Association supported the Board's denial of this request, stressing the importance of spending dollars locally. The County Administrator explained that approving the blanket purchase orders does not negate the Department's requirements to comply with the Purchasing Ordinance. It only provides a means to purchase from the individual vendors should they be the entity awarded the purchase through the purchasing ordinance procedures. Moved by Supervisor Cash and seconded by Supervisor Brown to, contingent upon the adoption of a FY 2010-2011 Budget, A) authorize the purchase of various parts and janitorial supplies through a blanket purchase order, from Grainger, in an amount not to exceed \$20,000; B) authorize the purchase of various parts through a blanket purchase order from Johnstone Supply, in an amount not to exceed \$5,000; and C) authorize the purchase of various parts through a blanket purchase order from Western Nevada Supply in an amount not to exceed \$4,000. Motion carried unanimously.

Recess/Reconvene The Chairperson recessed the regular meeting at 9:55 a.m., to reconvene in open session at 10:05 a.m., with all Board Members present.

P.W./Carson & Colorado Railway Society Volunteer Contract The Public Works Director, Mr. Ted Pedersen, briefly explained the proposed contract with the Carson and Colorado Railway Society for the provision of volunteer services to restore the No.18 Engine located at Dehy Park. Mr. Dave Mull and Mr. Randy Babcock addressed the Board to provide additional information and further explanation of the work that will be done to restore Engine No. 18. Mr. Babcock submitted the Assessment for Operational Restoration document, which is the attachment for Task 2 in the back-up material. The County Administrator took the opportunity to acknowledge the document and the gentlemen who prepared the document, noting that it was an outstanding manuscript that is thorough and professional and on the same or higher level than much of the work that is produced by highly paid consulting firms. The Board congratulated the group for their success in bringing this project forward and their good wishes for the successful completion of the restoration project. Moved by Supervisor Fortney and seconded by Supervisor Arcularius to approve the Contract between the County of Inyo and Carson and Colorado Railway Society (Carson and Colorado) for provision of volunteer services for the Engine No. 18 Restoration Activities; accept the terms and conditions of the Letter of Permission from the Los Angeles Department of Water and Power (LADWP) to conduct restoration activities at Dehy Park; and authorize the Chairperson to sign the agreements, contingent upon the appropriate signatures being obtained. Motion carried unanimously.

CAO-Contract for Solar Electric System Installation at Courthouse Complex in Independence and Adopting Resolution No. 2010-42 The Chairperson reopened the public hearing at 10:30 a.m., on the approval of an agreement with Solar City Corporation to install a \$3,302,992, 612.8-kilowatt photovoltaic electric system at the following County-owned facilities in Independence: Historic Courthouse/Annex Building/Health Building; Administrative Offices; Jail; and, Juvenile Hall. The Contractor, Dr. Rick Brown of Terra Verde Renewable Partners, briefly explained the project. Mr. Brown and the Board discussed the project in detail and at length, including the financing, the installation location, the number of panels to be installed, the rebate from DWP, the life span of the panels and the system, the wind rating of the panels, future expansion of the system, mitigation of risks if the rebate is not received, the savings and benefit of the project. The County Administrator noted (a) a change in the Contract that reflects the County has a 60 day out clause; (b) because of the change it is no longer necessary

that the County sign the Term Sheet with Saulsbury Hill Financial; and (c) that the resolution should be approved with the deletion of item no. "5. Authorizes the Chairman of the Board to sign the Term Sheet with Saulsbury Hill Financial;" which is also no longer required because Terra Verde is now signing the Term Sheet and assuming the associated risk of the County not executing a subsequent financial agreement with Saulsbury Hill Financial. There was no one from the public wishing to address the Board on this issue. The Chairperson closed the public hearing at 11:10 a.m. The County Administrator reiterated the following regarding the financial risks associated with the project: "the reality, one that our friends at the Department of Water and Power are grappling with in their desires to use this type of technology to mitigate dust on the lake or to deploy it as part of their energy portfolio, is the technology has not developed to a point where it's cost effective on its own. The only way for this type of project to be cost effective is to rely on the solar rebate from the utility. But, obviously the risk, when you look at the application, is right there in everyone's face. Staff's worked with Terra Verde to try and address that upfront in terms of having no obligation if we don't receive that written confirmation that we're in the program in the first 60 days, trying to identify ways to mitigate the risk after that, which is probably marginal, but it needs to be acknowledged that it's certainly there. We deal with the Department of Water and Power and the Board of Water and Power Commissioners on a fairly regular basis and are well attuned to what that agency is capable of. But, having the money put into escrow, having it in compliance with their own promulgated guidelines and having a written confirmation that if we develop the project as we say we will on the rebate application that money will be available when we flip the switch, seems like we have done just about everything we can to mitigate the risk. But, is there risk, absolutely. Does this project rely on that rebate to make it pencil out from a fiscal sense—this project isn't doable without the rebate." Moved by Supervisor Brown and seconded by Supervisor Cash (a) to find that the anticipated cost of the energy provided under the contract will be less than the cost of energy that would be consumed absent the project; (b) find that a finding related to ground leases as required by Government Section 4217.12 is not necessary as the proposed work does not entail any ground leases; (c) concur with staff's findings that this project can not have a significant affect on the environment pursuant to Guideline Section 15061(b)(3), and that this project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Guidelines Sections 15301, 15302, 15304, and 15311, and direct the Planning Director to sign and file a Notice of Exemption with the Inyo County Clerk-Recorder; (d) authorize the Chairman of the Board to sign a Solar Purchase and Installation Agreement (Commercial) with Solar City Corporation; (e) authorize the County Administrator to sign a rebate application to the Los Angeles Department of Water and Power, and submit the required, non-refundable application fees totaling \$8,908 for the four (4) billing meters that will be served by the photovoltaic electrical system; and (f) approve Resolution No. 2010-42, as amended to remove No. 5 on page 1, confirming the above actions. Motion carried unanimously.

Ord. 1159 Time Limits for Presentation of County Warrants

On a motion by Supervisor Cash and a second by Supervisor Brown, Ordinance 1159, titled "an Ordinance of the Board of Supervisors of the County of Inyo, State of California, Repealing Inyo County Ordinance Number 765 and Enacting a New Section 3.10.010 of That Code Relating to Time Limits for Presentation of County Warrants," was enacted: motion unanimously passed and adopted.

Resol. #2010-43/ North Barlow Lane Crosswalk

On a motion by Supervisor Brown and a second by Supervisor Fortney, Resolution No. 2010-43 authorizing the installation of a new mid-block crosswalk near the Bishop Indian Head-Start preschool on North Barlow Lane, approximately 325 feet south of the intersection of North Barlow and Diaz Lanes, was adopted: motion unanimously passed and adopted.

Water Dept./Status of Water Commission

The Water Director, Dr. Bob Harrington, provided a brief history regarding the discussion surrounding the Water Commission. He said that per the Board's direction the Water Commission discussed the status of the Water Commission. He explained that the Commission's recommendations include keeping the Water Commission. Dr. Harrington informed the Board that a fourth Water Commissioner has tendered their resignation. Supervisor Fortney said that he had many constituents who were supporting keeping the Water Commission but were not interested in serving on the Commission, which he said he found frustrating because the problem is in filling the vacancies. The Chairperson noted and read into the record a communiqué from the Big Pine Tribe supporting the continuation of the Water Commission. The Board heard from the following members of the audience regarding this subject: Nancy Masters of Independence who was in favor of keeping the Water Commission and read a letter justifying her position; Daris Moxley of Bishop who was in favor of keeping the Commission; Jim Scott of Bishop who was in favor of reassigning the Water Commission responsibilities to the Natural Resources Committee; and Paul Lamos of the Water Commission who was in favor of keeping the Water Commission and also strengthening the Water Commission's duties to make it more viable.

The Board noted that they have continued to support the Water Commission, but because of lack of interest from the public to serve on the Commission, alternatives were being explored. The Board corrected some misimpressions that have been reported recently, explaining that the Water Commission is an advisory commission to the Board of Supervisors and does not have directorial authority over the Water Department. The Board went on to clarify that the Water Department simply facilitates the Water Commission agendas and meetings. The Board and staff continued to discuss the information provided and the alternatives suggested. Moved by Supervisor Cash and seconded by Supervisor Arcularius to advertise to fill the vacancies on the Inyo County Water Commission through the Board's normal appointment process. Motion carried unanimously.

Water/IRWMP
9-20-10 Planning
Committee Meeting
Agenda

The Water Director, Dr. Bob Harrington, reviewed the Agenda for the upcoming September 20, 2010, IRWMP Planning Committee Meeting. The Board and Dr. Harrington discussed the various agenda items, with the Board expressing concern with the Amendment to the MOU. The Board noted that when the MOU was presented in August the Board was informed that this was the final version and a decision needed to be made; and now, they are being presented with an amendment to that MOU because one of the groups wants to change it. The Board explained they are not interested in amending the MOU now, that if changes had of been acceptable they would have changed it in August rather than approve it. The Board also expressed concern with the item concerning the noticing of the meetings. The Board felt that you couldn't pick and choose the sections of the Brown Act that you want to follow. The County Administrator expressed his concern with the entire process, saying he felt that the designation of the Fiscal Agent is key. He likened the current situation to the "cart being way out before the horse." He said that while the decision regarding the Fiscal Agent, the fiscal structure and funding mechanism for the group is being put off and put off, the democratic process for the group is being decided in the MOU. He said that what this Amendment is proposing further solidifies the position that with all of the obligation no members have any obligation to pay for some of that obligation. He went on to caution the Board from endorsing any MOU that would preclude anyone who has influence on affecting this MOU from having any obligation to fund the undertakings of the organization. He suggested that the Board might want to direct Staff to add a third change to the MOU which would clearly articulate that any funding obligation undertaken by the group would be shared equally by every signatory to this MOU unless agreed to in writing by the group and an individual member. He further clarified that what the suggested Amendment to the MOU does is give people all kinds of veto power over changes to the MOU in the future, the plan, grant applications, etc., but doesn't give them any obligation for funding this in anyway, ultimately resulting in the funding being left to Inyo and Mono counties and other agencies with dedicated funding sources. He said that he would encourage the group to set up some kind of membership fee and structure. The Water Director summarized the Board's direction regarding the agenda items and said that he would continue to bring the Agendas back to the Board for input until he is directed otherwise.

Recess/
Reconvene

The Chairperson recessed the regular meeting at 1:10 p.m., to reconvene in Budget Hearings at 2:00 p.m., (see separate minutes) and reconvening in closed session 3:45 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 21. **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; **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: Chief Probation Officer Jeff Thomson and Labor Relations Administrator Sue Dishion; No. 23. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Deputy Sheriffs Association (DSA) - Negotiators: Labor Relations Administrator Sue Dishion and Deputy County Counsel Susanne Rizo; and No. 24. **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. The Chairperson recessed closed session at 4:15 a.m., to reconvene in open session, with all Board Members present.

- Board Members and Staff Reports The Board Members reported on the activities during the preceding week including an EMSA Meeting in Sacramento, the upcoming youth fishing day at the Mt. Whitney Fish Hatchery, a tour of the Alabama Hills, an LTC Meeting, a CSAC Legislative update, a Bishop City Council Meeting, a ESCOG Meeting, an ESTA Meeting, a Great Basin Meeting, announcement that Rachel Chong is going to be a presenter at the RCRC Annual Conference and direction to Staff to draft a thank you letter to Ms. Chong for the Board to consider at next week's meeting for possible presentation to Ms. Chong at the Conference, an Economic Development Meeting of the Lake Group, and the Board scheduled a special meeting for Tuesday, November 30, 2010.
- Closed Session The Chairperson recessed open session at 4:35 p.m., to reconvene in closed session, with all Board Members present to continue discussions on previously noted closed session items.
- Report on Closed Session The Chairperson recessed closed session at 4:50 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 4:50 p.m., to 9:00 a.m., Tuesday, September 21, 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