

MINUTES

County of Inyo Board of Supervisors

October 19, 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, October 19, 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 Report Period The Chairperson announced the County Department Report period. Mr. Josh Hart, Planning Director, updated the Board on the Renewable Energy General Plan, providing the Board with copies of the draft maps and reviewing the schedule for upcoming public meetings. Mr. Jon Klusmire, Museum Services Director, notified the Board of the upcoming Harvest Heritage Day Celebration scheduled in Independence on October 23, 2010.
- Introduction Mr. Josh Hart, Planning Director, introduced Cathreen Richards, a new Associate Planner in his office to the Board.
- Emerg. Serv./Oak Creek Mud Flows Moved by Supervisor Fortney and seconded by Supervisor Cash to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.
- HHS/Wellness Center Lease Board Order Correction Moved by Supervisor Fortney and seconded by Supervisor Cash to amend the November 3, 2009 Board order regarding the HHS Wellness Center Lease between the County of Inyo and Nor Group LLC to correct the dates reflected for the Lease from November 7, 2009 through November 6, 2010 to November 7, 2009 through November 6, 2012 and B) amend the minutes of the Board of Supervisors meeting of November 3, 2009, page 1 paragraph 6, to reflect the amended dates of the Contract. Motion carried unanimously.
- Motor Pool/Patrol Vehicles Equipment P. O. Moved by Supervisor Fortney and seconded by Supervisor Cash to declare Nielsen's Equipment Maintenance of Mammoth Lakes a sole source provider of services for equipping Sheriff Department patrol vehicles and authorize a purchase order to Nielsen's Equipment Maintenance to equip three Sheriff's Department patrol vehicles in an amount not to exceed \$23,200. Motion carried unanimously.
- Parks/Diaz Lake Campground Lease Moved by Supervisor Fortney and seconded by Supervisor Cash to approve the Lease Agreement between the County of Inyo and the Los Angeles Department of Water and Power for use of the Diaz Lake Campground for the period of July 1, 2010 through June 30, 2015, at the rate of \$500 per year, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign. Motion carried unanimously.
- Parks/Equipment Lease Diaz Lake Concessionaire Moved by Supervisor Fortney and seconded by Supervisor Cash to approve an Equipment Lease Agreement between Inyo County and the Diaz Lake Concessionaire, Hickman Construction-Owenyo Services, allowing for the use of the Parks tulle cutter for an annual use/lease fee in the amount of \$725, and authorize the Deputy County Administrator to sign. Motion carried unanimously.
- Assess/CAA Bertholf Contract Moved by Supervisor Fortney and seconded by Supervisor Cash to approve the Contract between the California Assessors' Association, Harold W. Bertholf, Inc., and the Assessors of eighteen California Counties for the provision of a Petroleum and Geothermal Property Sales study, in an amount not to exceed \$97,020 per year, with Inyo County contributing \$2,310 per year for the period of November 1, 2010 through October 31, 2012, contingent upon the Board's adoption of future budgets; and authorize the Assessor to sign contingent upon the appropriate signatures being obtained. Motion carried unanimously.

Resol. #2010-50/ State Watershed Coordinator Grant	On a motion by Supervisor Fortney and a second by Supervisor Cash, Resolution No. 2010-50 was approved authorizing submittal of a grant application to the Department of Conservation's Statewide Watershed Coordinator Grant Program: motion unanimously passed and adopted.
Assessor/Appraiser Recruitment	The Board asked if by authorizing filling the Appraiser position at a II or a III that automatically allowed a person hired at the two level to move to the three level without Board approval. The County Administrator explained that all requests for movement from a II to a III requires Board approval. 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 requested position exists, as certified by the Assessor and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates meet the qualifications for the position of Appraiser II/III, 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) approve the hiring of one Appraiser II, at Range 62 (\$3,426 - \$4,166) or Appraiser III at Range 66 (\$3,757 – \$4,574) depending upon qualifications. Motion carried unanimously.
Clerk-Recorder- Elections	The Chairperson noted that the request to make appointments in lieu of elections was being pulled and would be rescheduled for the week after the November 2, 2010 Election.
Clerk-Recorder/ Assistant Clerk Recruitment	The Board and the Clerk-Recorder, Ms. Mary Roper, discussed the request by the Department to allow the position of Assistant Clerk to be filled two weeks earlier than when the position becomes vacant on January 3, 2011. Ms. Roper provided further information on the request to fill the position early, explaining that depending upon the candidate for the position, they may not be available for an earlier start date. The Board discussed this request, with several Board Members not supporting filling the position two weeks early, with Supervisor Cash saying that she did not have a problem with the position being filled early. 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 position exists, as certified by the Clerk-Recorder and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates meet the qualifications for the position of Assistant Clerk-Recorder, 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) approve the hiring of one Assistant Clerk-Recorder, at a flat salary rate of \$5,820 per month, to begin January 3, 2010. Motion carried unanimously.
HHS-Hlth Serv./ Account Tech Recruitment	Ms. Jean Turner, Director of Health and Human Services, explained that the Department was requesting to recruit at a lower range than the existing 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 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 of Account Technician I or II, 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) approve the hiring of one Account Technician I at Range 55 (\$2,910 - \$3,537) or Account Technician II at Range 59 (\$3,194 – \$3,880). Motion carried unanimously.
HHS-Soc. Serv./ Integrated Case Workers Recruitment	Ms. Jean Turner, Director of Health and Human Services, provided additional information regarding the request to hire three Integrated Case Workers. Supervisor Cash noted the impact of required lengthy overtime on the lives of those working. Moved by Supervisor Brown and seconded by Supervisor Cash 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 Health and Human Services Director and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates meet the qualifications for the positions of Integrated Case Worker I or II, the vacancies could possibly be filled through an internal recruitment, but an open recruitment would be more appropriate to ensure qualified applicants apply; and C) approve the hiring of three Integrated Case Workers I at Range 61 (\$3,345 - \$4,062) and/or Integrated Case Workers II at Range 64 (\$3,590 – \$4,363) depending upon qualifications. Motion carried unanimously.
Planning/Owens Lakebed Master Plan	The Board, Planning Director and County Administrator, discussed the draft goals and implementing mechanism recommendations for the Owens Lakebed Master Plan in detail and at length. The Board talked a great deal about the differences between and MOU and a NCCP, including that historically NCCP's are used in urban areas when private lands are affected unlike this situation where it is public lands that are being affected. Supervisor Fortney expressed his support of a MOU instead of a NCCP. The discussion included problems with habitat designations, the understanding

that the primary focus on the lakebed is dust mitigation, DFG's role in the enforcement of the Plan, private property owners participation in the implementation plan if a NCCP is selected, how the LORP Implementation will be affected by the Plan, protecting the County's land use authorities, and the need to quantify the term "significant" if it is going to continue to be used to define a measured objective.

Recess/
Reconvene The Chairperson recessed the regular meeting at 10:25 a.m., to reconvene at 10:35 a.m., with all Board Members present.

Water Dept./Prior
Direction to
Standing Committee
Representatives Dr. Bob Harrington, Inyo County Water Director, reviewed the recommendations provided to the County's representatives to the Standing Committee during the August 24, 2010 Board of Supervisors Meeting, on the Adoption of the revised scoping document for enhancement/mitigation project "Regreening Northeast of Big Pine." He explained that the water modeling for this project is conservatively showing a negligible drop in the water table in the area of 2 inches or less. The Board heard from Mr. Gary Bacock, Tribal Administrator for the Big Pine Paiute Tribe of the Owens Valley (Tribe), who reiterated the Tribe's reasons for opposing this project, which included disagreeing with allowing DWP to replace the water it uses for a mitigation project and the cumulative impact to the Tribe's water table as a result of ongoing DWP pumping. The County Administrator clarified Mr. Bacock's statement regarding a petition from the Tribe, which was actually presented to the Standing Committee not the Board of Supervisors. Mr. Bacock also identified areas of the draft letter in which he disagreed. Mr. Bacock said that the Tribe would consider withdrawing its objections to the mitigation project if water from another mitigation project at Klondike Lake could be used. Dr. Harrington provided additional information on how the concept of using water from the Klondike Lake Mitigation Project had been introduced as a possible alternative after the Standing Committee Meeting. Dr. Harrington also informed the Board that he is in the process of discussing this alternative further with DWP, but there would be no recommendations from the Technical Group on use of this water source prior to the next Standing Committee Meeting. Mr. Bacock continued to reiterate the Tribe's opposition to allowing DWP to make-up water it uses for the regreening project through pumping which they believe will detrimentally impact the Tribe's water sources. Mr. Tony Carl, an employee of the Tribe, addressed the Board to share his knowledge of the water table in Big Pine. Supervisor Fortney explained that he has been discussing the regreening project with his constituents, which far exceeds the 164 names on the Tribe's petition which was presented to the Standing Committee, in the Big Pine area for well over a year, all of whom want this project completed and are not concerned about the water source. The Board talked about the scientific modeling which reflects a negligible drop in the water table as a result of this project. The Board noted that the modeling is showing a conservative number because recharge has not been taken into account, and explained that there has been no scientific data presented that disproves the modeling data. The Board and Dr. Harrington continued to discuss this issue in depth and at length with Dr. Harrington recommending that the Board confirm its prior direction to the County's Standing Committee representatives. Supervisor Cash asked to be kept informed regarding the use of any Klondike water allotment because Klondike is in her district. Moved by Supervisor Cash and seconded by Supervisor Fortney to (i) direct staff to request reconsideration at the Standing Committee of the item: Adoption of the revised scoping document for enhancement/mitigation project "Regreening Northeast of Big Pine"; (ii) instruct the County's representatives to confirm their previous vote approving the revised scoping document or to seek a different outcome at the Standing Committee; (iii) direct staff to keep the Board informed regarding any further recommendations from the Technical Group regarding alternatives for the Regreening Project; and (iv) approve the September 20, 2010 letter from the Big Pine Paiute Tribe of the Owens Valley concerning Brown Act violation and approve a letter of response. Motion carried unanimously.

Recess/
Reconvene The Chairperson recessed the regular meeting at 12:20 p.m., to reconvene in open session at 12:25 p.m., with all Board Members present.

Planning/D.V.
Wilderness Plan The Board received an update from Victoria Wilkins of the Death Valley National Park on the Wilderness and Backcountry Stewardship Plan. Ms. Wilkins talked about the upcoming workshop and a new GIS system that is being developed.

CAO/FY 2010-11
GIS Award The County Administrator made introductory remarks regarding this year's GIS recommendations. Supervisor Arcularius noted that while other entities are reducing the amount of money they are spending in support of the programs, Inyo County has budgeted the same amount as last year.

Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve the FY 2010-2011 Grants-in-Support (GIS) Program awards as recommended. Motion carried unanimously.

Moved by Supervisor Arcularius and seconded by Supervisor Fortney to authorize the County Administrator to sign contracts or contract amendments with GIS applicants for the period of July 1, 2010 through June 30, 2011 in the amounts approved by your Board, contingent upon the appropriate signatures being obtained. Motion carried unanimously.

Recess/
Reconvene

The Chairperson recessed the regular meeting at 12:55 p.m., to reconvene as the Board of Equalization at 1:30 p.m., (see separate minutes). The Chairperson adjourned the Board of Equalization meeting at 2:06 p.m. and immediately reconvened the regular meeting in open session, with all Board Members present.

P.W./Tecopa
Sewage Lagoon
Repair Project

The Board received an update on the status of the Tecopa Hot Springs Park Sewage Lagoon Repair Project from Ms. Lynn Flannigan, Senior Engineer. Ms. Flannigan reviewed the estimated schedule for completion of the project, noting the tight deadlines that are occurring because of the approval of the environmental documents. The Board asked staff to send a letter to the State Parks Department, with copies to Senator Ashburn and Assemblywoman Conway, to request a three-month extension for the project. The Board and staff discussed the cost of the project, with the County Administrator explaining that staff would be returning in the near future with a breakdown identifying funding sources to cover the project costs. Moved by Supervisor Arcularius and seconded by Supervisor Cash to award to and approve the Contract with Prominent Systems, Inc., for the Tecopa Hot Springs Park Sewage Lagoon Repair Project in the amount of \$793,370.86; authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained; and authorize the Public Works Director to execute all other contract documents, including contract change orders, to the extent permitted by Public Contract Code §20142. Motion carried unanimously.

P.W./Heavy
Equipment Operator
Position Request

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 position comes from the Road Fund as certified by the Road Commissioner and concurred with by the County Administrator and Auditor-Controller; B) authorize the Department to hire off an established list and if a satisfactory candidate is not found to fill the position through an open recruitment; and C) approve the hiring of one Heavy Equipment Operator I at Range 58 (\$3,119 – \$3,795). Motion carried unanimously.

P.W./Account Tech
Position Request

Moved by Supervisor Brown and seconded by Supervisor Cash to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the requested position comes from the Road Fund as certified by the Road Commissioner and concurred with by the County Administrator and Auditor-Controller; B) authorize the Department to hire off an established list and if a satisfactory candidate is not found to fill the position through an open recruitment; and C) approve the hiring of one Account Technician I position at Range 55 (\$2,910 – \$3,537). Motion carried unanimously.

BofS/Minute
Approval

Supervisor Cash asked that the minutes of the October 5, 2010 Board of Supervisors Meeting be amended to reflect that she and Supervisor Fortney had left the meeting during closed session because of declared conflicts. Moved by Supervisor Cash and seconded by Supervisor Brown to approve the minutes of the October 5, 2010 Board of Supervisors Meeting, as amended. Motion carried unanimously.

Board Members and
Staff Report

The Board reported on their activities during the preceding week, including notification that the LTC Meeting was cancelled, an Emergency Services Committee meeting, the Film Festival, and an Inyo Associates meeting, with the County Administrator reporting that Terra Verde has received verbal confirmation from DWP that the County's project has been approved and the financial documentation will be finalized once written confirmation has been received.

Closed Session

The Chairperson recessed open session at 2:45 p.m., to convene in closed session, with all Board Members present to discuss and take action as appropriate on Agenda Items No. 26. **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. 27. **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. 28. **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; No. 29. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Inyo County Correctional Officers Association (ICCOA) - Negotiators: Labor Relations Administrator Sue Dishion; and No. 30. **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.

- Report on Closed Session The Chairperson recessed closed session at 3:50 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 3:50 p.m., to 9:00 a.m., Tuesday, October 26, 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