

MINUTES

County of Inyo Board of Supervisors

October 26, 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 26, 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. Mr. Bruce Cotton, Lone Pine Resident, gave the Board Members a copy of a document concerning the American Flag and what the fringe and the cord trimmings on the flag means. Mr. Cotton said that the cord and fringe are only to be used for military court flags and he wanted the County to be aware of this fact because lawsuits are being filed to set aside verdicts because the wrong flag was displayed in courtrooms. The Board noted that the information would be passed along to our Courts, which are a part of the State. Mr. Cotton went on to present the Board with a copy of a publication titled County Sheriff America's Last Hope written by Sheriff Richard Mack. Mr. Cotton expressed his view that the Sheriff is the person who is elected by the people, who works for the people, and who can protect the peoples freedoms and rights.

County Department Reports The Chairperson announced the County Department Report period. Mr. Josh Hart, Planning Director, updated the Board on the EIS for BLM Solar projects.

Closed Session The Chairperson recessed open session at 9:10 a.m., to convene in closed session, with all Board Members present to discuss and take action as appropriate on Agenda Items No. 3. **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. 4. **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 - Chief Probation Officer Jeff Thomson and Labor Relations Administrator Sue Dishion; No. 5. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization - Deputy Sheriff's Association (DSA) – Negotiators - Labor Relations Administrator Sue Dishion, and Deputy County Counsel Susanne Rizo; No. 6. **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; No. 7. **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. 8. **PERSONNEL [Pursuant to Government Code §54957]** - Public Employee Evaluation - Title: Child Support Services; No. 9. **REAL PROPERTY NEGOTIATIONS [CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE §54956.8]** – Property - APN No. 018-090-07 – Big Pine, California - Negotiating Parties: County Administrator and Tom Hardy - Negotiations: Terms and Conditions; and No. 9A. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Pursuant to Government Code §54956.9(c)-** Decision Whether to Initiate Litigation (one case). The Chairperson recessed closed session at 10:00 a.m., to reconvene in open session with all Board Members present.

Planning- Yucca Mnt./Socio-economic Impacts Report The Planning Director, Mr. Josh Hart, introduced the report titled "A County at Risk – Socio-economic Impacts of the Proposed Yucca Mountain High-level Nuclear Waste Repository." noting two corrections as follows: Pg 3, Table ES 1, first cell, third column should read \$184,009.00, and Pg 13, first paragraph, fifth and sixth lines to substitute the word "until" for "through the" in referring to the time frame.

Representatives of Gruen Gruen + Associates reviewed the report in detail, responding to questions from the Board regarding recent reports in the newspaper citing the results of several surveys conducted in conjunction with the report. It was confirmed that the County of Inyo contracted and paid for the surveys, correcting the impression from the news reports that the Visitor Center, the National Park and/or the Forest Service had been responsible for the surveys. Mr. Gruen noted that the survey data results were specific to the southern end of the County because that is where the Repository is located, thus the results reflecting visitation for purposes of climbing Mt. Whitney and visiting Death Valley National Park. The Board noted that of significance in the report is that the County derives no economic benefit from the repository, only negative impacts that vary in degree of impact based on unknown severity of incidents involving the transport and storage of radioactive waste at the site. The Board thanked Mr. and Mrs. Gruen for the excellent work associated with the report and noting how valuable the information will be to the County as it proceeds with its involvement in the licensing proceedings.

Recess/
Reconvene The Chairperson recessed the regular meeting at 10:55 a.m., to reconvene as the Capital Asset Leasing Corporation at 11:00 a.m., (see separate minutes), with the Chairperson reconvening the regular meeting in open session, at 11:15 a.m., with all Board Members present.

Emerg. Serv./Oak
Creek Mud Flows Moved by Supervisor Fortney and seconded by Supervisor Brown to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.

Motor Pool/Van P.O. The Deputy County Administrator explained that the bid for the purchase of two 2011 8-passenger vans was being contested by a bidder because the bid documents did not identify the 8% local preference as required by the ordinance. Mr. Hamilton explained that future bid documents will identify the local preference as appropriate. County Counsel explained that while the bid documents did not identify the 8% local preference, it is still applicable. He said that no bidders were damaged by the omission and he concurs with staff's recommendation for award of the bid. Moved by Supervisor Brown and seconded by Supervisor Cash to award the bid to Eastern Sierra Motors as the low bidder, for the purchase of two 2011 Ford 8-passenger vans in an amount not to exceed \$47,008.62. Motion carried unanimously.

HHS-Social Serv.-
Senior Serv./HHS
Specialist Positions Health and Human Services Director, Ms. Jean Turner, provided additional information and further explanation on the request to hire one permanent and two temporary HHS Specialists. The County Administrator provided further explanation on the request to confirm that temporary hires (not to exceed 6-month appointments) to fill vacant authorized positions do not need Board approval. Moved by Supervisor Arcularius 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 Director of Health and Human Services and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates meet the qualifications for the positions, the positions could possibly be filled through an internal recruitment, but an open recruitment would be more appropriate for the temporary appointments and to ensure a sufficient number of qualified candidates apply for the permanent position if the requested position cannot be filled from an existing list; C) approve the hiring of one permanent full time HHS Specialist at Range 53 (\$2,779 - \$3,380) and two temporary HHS Specialists at Range 53PT (\$14.89 - \$18.13/hour); and D) confirm that, under the Authorized Position Review Policy, department requests to hire temporary employees to fill vacant authorized positions, for a period not to exceed six-months, need not come to the Board for approval. Motion carried unanimously.

Planning/Outside
Appraiser Contract
for DWP Land
Release Auctions The Planning Director, Mr. Josh Hart, reviewed the request to have the County contract for outside appraisal services for an independent appraisal of DWP properties scheduled to be auctioned as a part of the Long Term Water Agreement requirements for land releases. The County Administrator explained that initially DWP proposed having the County contract for these services in order to expedite the appraisal process with DWP reimbursing the County for the costs. He said that as this process developed, DWP has been reluctant to agree to pay for the services. Mr. Carunchio explained that by proceeding with the independent appraisal the County would have the opportunity to substantiate DWP's valuation. Because of the agenda schedule the Chairperson suspended discussion on the independent appraisal contract to later in the meeting.

BofS/ATV Trail
System Update The Board received a presentation from Mr. Dick Noles, representing Advocates for Access to Public Lands (AAPL) on the group's efforts on and status of the proposed ATV Trail System for Inyo County. Mr. Bruce Cotton, Lone Pine Resident, addressed the Board to support the Trail System in Inyo County.

Recess/ Reconvene	The Chairperson recessed the regular meeting at 12:10 p.m., to reconvene in open session at 1:00 p.m., with all Board Members present.
Planning/Outside Appraiser Contract for DWP Land Release Auctions Continued	The Board and staff resumed the discussion regarding contracting for appraisal services with the Board wanting DWP to reimburse the County for the costs. The Board also talked about the ability to confirm the timing for the auction and setting a precedent whereby the County is expected to obtain third party independent appraisals in similar situations. Supervisor Cash was not in support of this request unless the County was to be reimbursed for the costs. The Board and staff continued to discuss the request to contract for appraisal services for the City of Los Angeles Department of Water and Power land releases, with the Board wanting written confirmation from DWP of the date of the auction. Moved by Supervisor Brown and seconded by Supervisor Fortney to declare C.A. Bretton, Inc., a sole source provider of appraisal services and approve the Contract between the County of Inyo and C.A. Bretton, Inc., for the provision of appraisal services for the City of Los Angeles Department of Water and Power land releases, for the period of November 1, 1010 through June 30, 2011, in an amount not to exceed \$15,800, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion failed on a one-to-four vote, with Supervisors Brown voting yes and Supervisors Arcularius, Cash, Fortney and Cervantes voting no. The County Administrator advised the Board that staff would continue to work with DWP to get written confirmation of the date of the auction, and bring this item back for further consideration once written confirmation is received.
Planning/Solar Ranch Project Socio- Economic Impacts Report Contract	The Board noted the invaluable socio-economic impact information provided through a contract for the Yucca Mountain Project which was presented earlier today, as a reason to support having a similar contract for the DWP Solar Ranch Project. The Board and staff discussed some of the potential impacts this project could have countywide, with the County Administrator reporting on a meeting he had with many of the County Department Heads and staff to begin the process of identifying some of the impacts. Moved by Supervisor Fortney and seconded by Supervisor Brown to authorize the County Administrator to accept the Gruen Gruen + Associates proposal to assist the County in (a) identifying potential socio economic impacts associated with the proposed Los Angeles Department of Water and Power Southern Owens Valley Solar Ranch Project for the purpose of providing comments for the Notice of Preparation of Draft Environmental Impact Report for the project and (b) developing a subsequent scope of work to include the preparation of a detailed impact study, for a cost not to exceed \$45,000. Motion carried unanimously.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 2:00 p.m., to reconvene in open session at 2:10 p.m., with all Board Members present.
Water Dept./Agenda for Standing Water Commission Mtg.	The Water Director, Dr. Bob Harrington, presented the Board with an amended draft agenda for the upcoming Standing Water Commission Meeting, noting that the start time for the meeting is 1:00 p.m. The Board and Dr. Harrington discussed the agenda items. With regard to the one action item, the Board reconsidered its direction concerning the modified scoping document for the enhancement/mitigation project "Regreening Northeast of Big Pine." The Board received a report on the subsequent alternative that was identified after the last Standing Committee Meeting, to use Klondike Lake mitigation project water, with Dr. Harrington explaining that the alternative needs further work at the Technical Group level and it will not be ready to be presented at the meeting. Dr. Harrington reiterated the action being requested on the regreening project is to confirm the Board's previous direction, which the Board, after further discussion did. Under Item No. 9 of the Agenda – scheduling future meetings - the Board discussed the representatives designated in the Long Term Water Agreement to the Standing Committee. The County Administrator explained there are two issues (1) whether LA's side has a full roster or not; and (2) whether the full roster is available for meetings and what that threshold is. Mr. Carunchio suggested and the Board concurred that the Standing Committee representatives, under item 9 on the agenda, discuss the Standing Committee Rosters for both sides as specified in the Agreement, the availability of those on the Rosters to attend meetings, and what the threshold is for not conducting a meeting.
P.W./Riverside Road Closures	Moved by Supervisor Brown and seconded by Supervisor Fortney to approve closure of the Riverside Road in the immediate vicinity of the bridge from 6:00 a.m. on October 28, 2010 to 5:00 p.m., on March 31, 2011. Motion carried unanimously.

P.W./Inyo Complex Re-Roofing Project Contract	Moved by Supervisor Fortney and seconded by Supervisor Brown to award and approve the Contract for the Inyo County Complex Re-roofing Project to F. Rodger, Inc., in the amount of \$127,919; authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained; and authorize the Public Works Director to sign all other contract documents including change orders, to the extent permitted pursuant to Section 20142 of the Public Contract Code and other applicable law. Motion carried unanimously.
Probation/Group Counselor Position	Moved by Supervisor Cash 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 Chief Probation Officer and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates meet the qualifications for the position of Group Counselor I, the vacancy could possibly be filled through an internal recruitment; and C) approve the hiring of one Group Counselor I at Range 62 (\$3,426 - \$4,166). Motion carried unanimously.
BofS/Minute Approval	Moved by Supervisor Brown and seconded by Supervisor Arcularius to approve the minutes of the October 12, 2010 Board of Supervisors Meeting. Motion carried unanimously, with Supervisors Cash and Fortney abstaining.
Public Comment	The Chairperson announced the second public comment period and there was no one wishing to address the Board.
Closed Session	The Chairperson recessed open session at 2:55 p.m., to reconvene in closed session, with all Board Members present to continue discussions on previously noted closed session items. Supervisor Fortney declared a conflict and left closed session at 3:45 p.m., to rejoin the meeting at 4:15 p.m. Supervisor Cash declared a conflict and left closed session at 4:15 p.m., to rejoin the meeting at 4:40 p.m. The Chairperson recessed closed session at 5:35 p.m., to reconvene in open session.
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 5:35 p.m., to 9:00 a.m., Tuesday, November 2, 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*