

MINUTES

County of Inyo Board of Supervisors

December 7, 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, December 7, 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. Jim Stroh of Big Pine, provided information regarding the impact of shading on placement of solar panels.
- County Department Reports The Chairperson announced the County Department Report period. The Public Works Director reported on a Northern Inyo Airport Advisory Committee Meeting and the status of IRWMP Prop 84 projects. Mr. Jon Klusmire Museum Services Manager, provided the Board with a 2011 Museum Calendar and thanked the Friends of the Museum and Coso for their sponsorship of the calendar. Ms. Jean Turner, Director of Health and Human Services, updated the Board on State budget impacts to the Department.
- Emerg. Serv./Oak Creek Mud Flow Moved by Supervisor Brown 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-Behavioral Hlth. Serv./Tarzana Treatment Centers Contract Amendment Moved by Supervisor Brown and seconded by Supervisor Cash to ratify and approve amendment No. 1 to the Contract between the County of Inyo and Tarzana Treatment Centers for the provision of residential alcohol and drug treatment increasing the Contract by \$30,000 to a total not to exceed \$55,000 for the period of July 1, 2010 through June 30, 2011; and authorize the Chairperson to sign. Motion carried unanimously.
- HHS-Health Serv./Dr. Richardson Contract Amendment Moved by Supervisor Brown and seconded by Supervisor Cash to ratify and approve Amendment No. 3 to the Contract between the County of Inyo and Richard Johnson, M.D., MPH, for personal services as a Health Officer, amending the scope of work to increase the hours worked through June 30, 2011, and increasing the total Contract to an amount not to exceed \$505,947.66 for the period of November 6, 2007 through June 30, 2012, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign. Motion carried unanimously.
- P.W./Cochran Fire Equipment Contract Moved by Supervisor Brown and seconded by Supervisor Cash to award and approve the Contract for maintenance of fire extinguishers in County offices to Cochran Fire Equipment Company for the period of December 7, 2010 through June 30, 2011, in an amount not to exceed \$2,530; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
- P.W./CSA #2 Adv. Board Appointment Moved by Supervisor Brown and seconded by Supervisor Cash to appoint Mr. Hugh Cornett to the CSA #2 Advisory Committee to complete an unexpired four-year term ending April 13, 2013. Motion carried unanimously.
- P.W./Location Agreement City of Bishop Moved by Supervisor Brown and seconded by Supervisor Cash to approve a 20-year Location Agreement with the City of Bishop for a proposed Silver Peak Weather Radio and related equipment at the rate of one dollar per year; and authorize the Chairperson to sign. Motion carried unanimously.
- P.W./Survey Equipment P.O. Moved by Supervisor Brown and seconded by Supervisor Cash to award the bid to and approve the purchase of survey equipment from California Surveying & Drafting Supply, in an amount not to exceed \$89,680.58, including sales tax of \$7,022.58 and shipping. Motion carried unanimously.

P.W./Eastern Sierra Engineering Contract Amendment	Moved by Supervisor Brown and seconded by Supervisor Cash to ratify and approve Amendment No. 13 to the Contract between the County of Inyo and Eastern Sierra Engineering for engineering services to provide further support for the Tecopa Hot Springs Park Sewage Lagoon Repair Project, increasing the amount of the Contract by \$28,000 to a total amount not to exceed \$509,000; and authorize the Chairperson to sign. Motion carried unanimously.
P.W./ASM Affiliates Contract Amendment	Moved by Supervisor Brown and seconded by Supervisor Cash to approve Amendment No. 1 to the Contract between the County of Inyo and ASM Affiliates for museum consulting services to add language required for federal-aid construction contracts and projects funded by the American Recovery and Reinvestment Act of 2009; and authorize the Chairperson to sign. Motion carried unanimously.
P.W./Fed Ex Ground Lease	Moved by Supervisor Brown and seconded by Supervisor Cash to approve the Amendment to the Federal Express Ground Services (Tenant) Lease Agreement to allow for two one-year lease extension options for the period of January 1, 2011 through December 31, 2011 and January 1, 2012 through December 31, 2012; and authorize the Chairperson to sign contingent upon the appropriate signatures being obtained. Motion carried unanimously.
P.W./USFS Indy Airport Lease	Moved by Supervisor Brown and seconded by Supervisor Cash to ratify and approve the Lease Agreement between the County of Inyo and the United States Department of Agriculture Forest Service for six parcels of land located at the Independence Airport, for the period of November 1, 2009 through October 31, 2014, at the rate of \$14,400 per year; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained.
P.W./USFS Bishop Airport Lease	Moved by Supervisor Brown and seconded by Supervisor Cash to ratify and approve the Lease Agreement between the County of Inyo and the United States Department of Agriculture Forest Service for a 7.88-acre parcel of land located at the Eastern Sierra Regional Airport to be used for a tanker reload base, at the rate of \$1,000 per month when base is not activated and \$2,000 per month when base is activated, for the period of November 1, 2009 through October 31, 2014; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
BofS/National Monument Transparency Act Support	Supervisor Arcularius provided additional information and further explanation regarding the National Monument Designation Transparency and Accountability Act of 2010. The Board talked at great length about the document, which was released by the press, which reflect the BLM's agenda regarding land under its jurisdiction. The Board expressed concern about some of the projects referred to in the paper, noting the type of forethought and planning that went into the policies reflected in the document that appear to have been developed without public knowledge or input. Moved by Supervisor Arcularius and seconded by Supervisor Brown to approve a letter to Senators Boxer and Feinstein, to be drafted by Staff with the assistance of Supervisor Arcularius in support of the National Monument Designation Transparency and Accountability Act of 2010, S. 3660 and H.R. 5800, and requesting the Senators add their names to the list of co-sponsors and a letter to express appreciation to Congressman McKeon for showing his support as a co-sponsor of H.R. 5800; and authorize the Chairperson to sign. Motion carried unanimously.
BofS/Open Equal Access to Justice Act Support	Supervisor Arcularius provided additional information and further explanation regarding the Open Equal Access to Justice Act of 2010. The Board discussed the importance of keeping the public informed regarding the expenditures of tax dollars. Moved by Supervisor Arcularius and seconded by Supervisor Cash to approve a letter to Senators Boxer and Feinstein and Congressman McKeon, to be drafted by Staff with the assistance of Supervisor Arcularius, in support of the Open Equal Access to Justice Act of 2010, S.3122 and H.R. 4717, and requesting Senators and Congressman to support this legislation and add their names to the list of co-sponsors. Motion carried unanimously.
Treasurer/Payee Warrant	The Treasurer, Ms. Alisha McMurtrie explained that the money to be paid was excess funds from a tax audit. Moved by Supervisor Fortney and seconded by Supervisor Cash to direct the County Auditor-Controller to draw a new warrant in favor of the payee in the amount of \$4,540.39 pursuant to California Government Code Section 29802 (c). Motion carried unanimously.

Treasurer/Treasury Oversight Committee Appointments	The Treasurer-Tax Collector, Ms. Alisha McMurtrie provided a brief history of the County Treasury Oversight Committee. She responded to questions from the Board. The Board and staff discussed the applicability of its appointment policy to this Committee. The County Administrator explained he expects to conduct a workshop with the Board in the near future regarding the Committees, Commissions and Boards and suggested that the Board critique this Committee's appointments in context with other appointments when recommendations are brought forth as a result of the workshop. Moved by Supervisor Cash and seconded by Supervisor Brown to accept the resignations tendered and rescind the appointments of the identified members of the Inyo County Treasury Oversight Committee. Motion carried unanimously.
Resol. #2010-52 Treasury Oversight Appointments	On a motion by Supervisor Cash and a second by Supervisor Brown, Resolution No. 2010-52 was approved, appointing the recommended individuals to the Inyo County Treasury Oversight Committee: motion unanimously passed and adopted.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 10:05 a.m., to reconvene in open session at 10:10 a.m., with all Board Members present.
Sheriff/COPS Technology Grant Agreement	Sheriff Lutze provided additional information and further justification for approval of the COPS Technology Grant, explaining how this equipment will enhance the County emergency response and provide a higher level of technology for emergency management. Moved by Supervisor Fortney and seconded by Supervisor Arcularius to A) approve the COPS Technology Grant Program Agreement and authorize the County Administrator to sign all documents on behalf of the County; B) approve a new budget titled COPS Technology Grant Program Budget Unit 623610 and authorize Brandon Shults to be the Budget Officer responsible for this budget; and C) amend the FY 2010-2011 COPS Technology Grant Program Budget by increasing estimated revenue in Federal Grants (<i>Revenue Code #4555</i>) by \$240,000; and increasing appropriations in Office and Other Equipment (<i>Object Code #5232</i>) by \$86,535; Professional Services (<i>Object Code #5265</i>) by \$14,101, and Fixed Asset Equipment (<i>Object Code #5650</i>) by \$139,364. Motion carried unanimously.
Sheriff/COPS Expenditures	Moved by Supervisor Cash and seconded by Supervisor Fortney to A) declare Dell as a sole source provider of computers and accessories; and authorize the purchase of (5) Dell Latitude E6510 lap tops including docking stations and carrying cases from Dell in an amount not to exceed \$10,678; (B) declare Nielsen's Equipment as a sole source provider of radios; and authorize the purchase of (4) Kenwood TK790 Dash Mount 45 watt radios to replace existing radios not narrow band programmable from Nielsen's Equipment in an amount not to exceed \$4,285; (C) declare Stop Tech as a sole source provider of stop stick kits and accessories; and authorize the purchase of (20) 12' Stop Stick Kits and (5) 12' SUV Stop Stick Kits from Stop Tech, in an amount not to exceed \$12,701; (D) declare Digital Ally Inc. as a sole source provider of digital video equipment; and authorize the purchase of (3) DVM500 Plus In Car Digital Video Mirror Kits and (3) 16GB Compact Flash Cards from Digital Ally, Inc, in an amount not to exceed \$14,755; (E) declare Peace Keeper Products as a sole source provider of batons and holsters, and authorize the purchase of (65) 26" Expandable Batons and (65) Holsters from Peace Keeper Products, in the amount not to exceed \$10,027; (F) declare Williams Equipment Center the low bidder and authorize the purchase of (2) 2010 Honda EU2000 generators in the amount not to exceed \$2,215; (G) declare Office Depot as a sole source provider of Garmin receivers, and authorize the purchase of (3) Garmin GPSMAP 60CSx GPS receivers from Office Depot in the amount not to exceed \$1,060; (H) declare Dooley Enterprises as a sole source provider of ammunition and accessories, and authorize the purchase of 20 cases of .40 cal S&W ammunition from Dooley Enterprises in an amount not to exceed \$6,417; and (I) amend the FY 2010-2011 Sheriff's General Budget Unit 22700 by increasing estimated revenue in Citizens Options Public Safety Revenue (<i>Revenue Code #4488</i>) by \$62,138 and increasing appropriations in Office and Other Equipment (<i>Object Code #5232</i>) by \$18,238, Law Enforcement Special (<i>Object Code #5313</i>) by \$29,145, and Vehicles (<i>Object Code #5655</i>) by \$14,755. Motion carried unanimously.
P.W./CSA #2 Budget Amendment	Moved by Supervisor Arcularius and seconded by Supervisor Cash to A) amend the FY 2010-2011 CSA #2 Budget Unit 810001 by increasing appropriations in Professional and Special Services (<i>Object Code #5265</i>) by \$5,000 from fund balance; and B) approve Amendment No. 1 to the Contract between the County of Inyo and McMurtrie-Tanksley, Inc., for the operation and maintenance of the Aspendell Sanitary Sewer Maintenance services, increasing the Contract by \$5,000 to an amount not to exceed \$15,000 for FY 2010-11, for a total not to exceed \$35,000 for the term of the Contract, 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.

P.W./USDA Weather Radio Grant Agreement	The request by Public Works for approval of the Grant Agreement with USDA for the acceptance of funds for the proposed Weather Radio in the amount of \$42,780; and a corresponding budget amendment was pulled from consideration at the request of the Department.
HHS-Senior Prgm./ Budget Amendment for Prior Year Audit Exception	Moved by Supervisor Arcularius and seconded by Supervisor Cash to A) amend the FY 2010-2011 Contingencies/General Budget Unit 087100 by reducing Contingencies (<i>Object Code #5901</i>) by \$14,367; and amend the FY 2010-11 Auditor Controller General Revenues and Expenditures Budget Unit 011900 by increasing Operating Transfers Out (<i>Object Code 5801</i>) by \$14,367; and B) amend the FY 2010-2011 IMAAA Budget Unit 612500 by increasing estimated revenue in Operating Transfers In (<i>Revenue Code #4998</i>) by \$14,367, and increasing appropriations in Prior Year Refund (<i>Object Code #5499</i>) by \$14,367 (<i>4/5's vote required</i>); and C) authorize IMAAA to reimburse California Department of Aging \$14,367 for question costs resulting from audit findings. Motion carried unanimously.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 10:55 a.m., to reconvene in open session at 11:00 a.m., with all Board Members present.
Planning/Kemp Zone Reclassification	<p>The Chairperson opened the public hearing at 11:00 a.m., on the following actions for a 630-acre site located at the southeast corner of the intersection of Indian Springs Drive and Tuttle Creek Road, approximately 5-miles southwest of Lone Pine (APN 026-150-29): (i) a resolution implementing General Plan Amendment #2010-04/Kemp, changing the land use designations on 30 acres (Lots 1-12) to Residential Rural Medium Density, 2.5-acre minimum lot size (RRM), and a 1 acre (Lot A) to Public Service Facility (PF), and keeping the 597-acre remainder parcel as Agriculture (A), and approving Tentative Tract Map #248/Kemp, creating 13 lots and a remainder parcel from a 630-acre parcel; and (ii) a proposed ordinance titled "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Approving Zone Reclassification No. 2010-05/Kemp and Amending the Zoning Map of the County of Inyo by Changing the Existing Zoning on 31 Acres of a 630-Acre Site at the Southeast Corner of Indian Springs Drive and Tuttle Creek Road (APN 026-150-29) From Open space, 40-Acre Minimum (OS-40) to Rural Residential (RR), 2.5-acre Minimum Lot Size (For Twelve 2.5-Acre Lots) and to Public (P) (For One 1-Acre Lot). The Planning Director, Mr. Josh Hart, reviewed the staff report and recommendations. At the end of his presentation the Planning Director requested that the staff report and all attachments be entered into the record and it was marked Exhibit A. The Clerk of the Board provided copies of a letter from Cheryl Howerton of Flagstaff, Arizona, and an Inyo County property owner, expressing her concerns with the proposed project, which was marked Exhibit B. Mr. Scott Kemp, property owner addressed the Board to support the project. The Chairperson closed the public hearing at 11:05 a.m.</p> <p>Moved by Supervisor Fortney and seconded by Supervisor Arcularius to waive the first reading of the ordinance approving Zone Reclassification #2010-05/Kemp and schedule the enactment of the ordinance and the adoption of the resolution implementing General Plan Amendment #2010-04/Kemp and approving Tentative Parcel Map #248/Kemp for 11:00 a.m., Tuesday, December 14, 2010, in the Board of Supervisors Room, at the County Administrative Center, in Independence. Motion carried unanimously.</p>
Water Dept./State- wide Groundwater Monitoring Program	The Board received an in depth and detailed briefing on the California Statewide Groundwater Elevation Monitoring Program, consider alternatives for the County's participation in the Program from the Water Director, Dr. Bob Harrington. The Board and Dr. Harrington discussed the problems with the legislation which is requiring counties to monitor groundwater basins on lands over which the counties have no jurisdiction, i.e., U.S. Forests, National Parks, State lands, wilderness etc., with the Board noting that wilderness land is legislatively protected from this type of intrusion being directed by this legislation. The Board directed Dr. Harrington to convey the County of Inyo will be the monitoring entity for those groundwater basins identified in Inyo County that are within the County's jurisdiction.
Water Dept./IRWMP Planning Comm. Mtg.	Dr. Harrington, Inyo County Water Director, reviewed the items to be discussed at the upcoming December 8, 2010 Planning Committee meeting for the Inyo-Mono Integrated Regional Water Management Plan (IRWMP), providing direction on (a) list of prioritized projects, (b) whether to designate the Central Sierra RC&DC as the fiscal agent for the first funding round; and (c) approval of the meeting summary from November 17. The Board and Dr. Harrington discussed the list of prioritized projects with the Board expressing a desire to see a more objective review system to be developed for future projects. The Board also concurred with the designation of the Central Sierra RC&DC as the fiscal agent for the first round of funding.

Recess/
Reconvene The Chairperson recessed the regular meeting at 11:55 a.m., to reconvene in closed session at 1:00 p.m., with all Board Members present.

Closed Session The Board convened in closed session to discuss and take action as appropriate on Agenda Items No. 31. **CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION (Pursuant to Government Code §54956.9(c))** – Decisions whether to Initiate Litigation (one case); No. 32. **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. 33. **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. 34. **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; and No. 35. **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. The Chairperson recessed closed session at 3:15 p.m., to reconvene in open session at 3:25 p.m., with all Board Members present.

Water Dept./IRWMP
Planning Comm.
Mtg. The Board continued its discussion regarding the IRWMP Planning Committee Meeting to further discuss the Board's desire to have a more equitable ranking process developed and how that might be accomplished for future project rankings.

Resol. #2010-53
Adopting Changes
to Green Book On a motion by Supervisor Cash and a second by Supervisor Brown, Resolution No. 2010-53, a resolution titled "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Certifying and Adopting Changes to the Technical Appendix (Green Book) to the Long Term Groundwater Management Plan for Owens Valley and Inyo County," was approved: motion unanimously passed and adopted.

BofS/Minute
Approval Moved by Supervisor Brown and seconded by Supervisor Cash to approve the minutes of the Board of Supervisors Meeting of November 9, 2010; and the Special Meeting of November 12, 2010. Motion carried unanimously.

 Moved by Supervisor Brown and seconded by Supervisor Cash to approve the minutes of the Board of Supervisors Meeting of November 2, 2010. Motion carried unanimously, with Supervisor Fortney abstaining.

BofS/City of Bishop
Letter re EMS
Service The Board and the County Administrator discussed the letter from the City of Bishop inviting the County to meet regarding EMS service in the Bishop area. The Board asked the County Administrator to respond to the letter to share with the City Administrator what the County has done regarding this issue, and to ask the City to share whether it intends to entertain the Symons Ambulance Service's proposal regarding a possible solution to the problem prior to the County committing to meet with the City regarding the EMS service in the Bishop area.

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

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 4:30 p.m., to 9:00 a.m., Tuesday, December 14, 2010, in the Board of Supervisors Room, at the County Administrative Center, in Independence.

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

Chairperson, Inyo County Board of Supervisors

by: _____
Patricia Gunsollev, Assistant