

MINUTES

County of Inyo Board of Supervisors

February 1, 2011

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, February 1, 2011, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Susan Cash presiding, Linda Arcularius, Rick Pucci, Marty Fortney and Richard Cervantes. Supervisor Cervantes provided the Invocation, and Mr. Randy Keller, County Counsel 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 The Chairperson announced that the Board had received the weekly budget synopsis from the
Reports County Administrator.
- Introductions The Information Services Director, Mr. Brandon Shults, introduced Mr. Jeff Duncan, Information
Services GIS Technician, to the Board. The Clerk-Recorder, Ms. Kammi Foote, introduced Ms.
Michele Hartshorn, Assistant Clerk Recorder, to the Board.
- Emerg. Serv./Oak Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to continue the local
Creek Mud Flows emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.
- BofS/Dev. Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to appoint Mr. Michael
Disabilities Wilson to the Development Disabilities Area Board #12, to complete an unexpired three-year term
Board Appt. ending December 31, 2012. Motion carried unanimously.
- Road/Volvo Truck Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to A) declare Tec
Purchases Equipment, Inc., a sole-source provider of CARB compliant Volvo Diesel Trucks; and B) authorize
the purchase of two CARB compliant Volvo Diesel Trucks from Tec Equipment, Inc., in the amount
of \$74,988.56 for each truck. Motion carried unanimously.
- P.W./ESTA Parking Supervisor Cash asked for more information regarding the portion of the request that gives the
Lot Project Plans Public Works Director authority to award the project if the bids are within the project budget. Mr.
and Specs. Doug Wilson, Interim Public Works Director, explained that this project is funded through a
Homeland Security Grant as a transit security issue and it is on a tight deadline. He said that the
recommendation streamlined the process to eliminate a return for Board approval of the contract
in a specific instance in order to meet the funding deadlines. The Board and Mr. Wilson discussed
the project with Supervisors Cash and Arcularius expressing concern with the County's obligation
under this contract as it relates to ESTA paying for its use of property at the Eastern Sierra
Regional Airport (ESRA). Supervisor Cash noted that while use of the terminal space at the
Airport was covered under a prior understanding between the County and ESTA, the use for
parking space was not and should be reimbursed by ESTA. She said that she would not approve
the lighting project until there was a lease in place. Supervisor Cash also questioned what type of
commitment is being made to and by ESTA and the County to the grantor through the acceptance
of the Grant. Mr. Wilson suggested the Board only approve the Plans and Specs portion of the
recommendation, thus necessitating the award of the contract for the work being returned for
Board approval. He said this would give the Department the opportunity to work with ESTA to get
something finalized regarding the County and ESTA's obligations under this grant and for use of
the ESRA. The Board went on to express concern about whose responsibilities it will be to pay
the increased electric bill for the new lights and the need to have discussions at ESTA regarding
its obligations at the ESRA. Moved by Supervisor Arcularius and seconded by Supervisor Fortney
to approve the Plans and Specifications for the ESTA Parking Lot Security Lighting Project and
authorize the Interim Public Works Director to advertise and bid the Project, and direct that the
award of the contract for this project be returned at the same time the Board considers a lease
agreement with ESTA for use of ESRA property. Motion carried unanimously.

Assessor/Hiring Authorization	The Assessor, Mr. Tom Lanshaw, provided additional information and further justification to offer the position of Appraiser III at a Range 66E to the candidate that has 14 years of rural county assessor experience. Moved by Supervisor Fortney and seconded by Supervisor Arcularius to authorize the Assessor to hire the successful applicant as an Appraiser III, at Range 66, Step E (\$4,574 per month.) Motion carried unanimously.
Rd. Dept./Change in Authorized Strength and Hiring Authorization for Road Equipment Operators	Mr. Doug Wilson, Interim Public Works Director, provided additional information and further justification for the request to change the Road Department's authorized strength by deleting a Road Maintenance Worker position and adding a Road Equipment Operator position and authorization to fill several vacant Road Equipment Operation positions including the newly added position. Moved by Supervisor Arcularius and seconded by Supervisor Pucci to A) approve a change in authorized strength by deleting one full-time Road Maintenance Worker position at Range 52 (\$2,715 - \$3,298) and adding one full-time Road Equipment Operator position at Range 58 (\$3,119 - \$3,795); and B) find that consistent with the adopted Authorized Position Review Policy: a) the availability of funding for the requested positions currently exists in the Road Fund, as certified by the Interim Road Commissioner and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates meet the qualifications for the positions of Road Equipment Operator, 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 two Road Equipment Operators I at Range 58. Motion carried unanimously.
Sheriff/Hiring Authorization	Sheriff Lutze provided additional information and further explanation regarding the request to retroactively pay a recently promoted Sergeant and lateral entry Deputy at the C step. Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to approve A) appointment of a Sheriff's Sergeant, recently promoted January 1, 2011 to be paid at Step C of Range 74SB-SD (\$4,681 – \$6,372) and make the pay retro-active to January 1, 2011; and B) the hiring of a lateral entry Sheriff's Deputy previously approved by your Board to be filled at Step D of Range 67SC (\$4,901) and make the pay retro-active to January 16, 2011. Motion carried unanimously.
Water/IRWMP Contribution	Dr. Bob Harrington, Water Director, provided additional information and further justification for the request for a one-time donation to the IRWMP group. The Board and Dr. Harrington discussed the need for the group to identify a membership structure so that all participants have what was referred to as "skin in the game." Moved by Supervisor Fortney and seconded by Supervisor Arcularius to A) approve \$5,000 of financial assistance to the Integrated Regional Water Management Group; and B) approve an appropriation change moving \$5,000 from the Water Department Budget 024102, Contingencies (<i>Object Code #5901</i>) to Other Agency Contributions (<i>Object Code #5539</i>). Motion carried unanimously.
Parks/Millpond Domestic Water Well Emergency Replacement	The Deputy County Administrator, Mr. Chuck Hamilton, explained that the contract being proposed for the emergency replacement of the Millpond domestic water well also authorizes that a test well be drilled at the new site being proposed for the new well. Moved by Supervisor Arcularius and seconded by Supervisor Pucci to A) pursuant to Public Contract Code 20134 & 22050, find that, based on substantial evidence, the emergency need for the Millpond domestic water supply well replacement will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency, and B) authorize the emergency replacement of the domestic water supply well at the Millpond Recreation Area and award a bid from and approve the Contract with Boetsch Well Drilling of Mojave, CA in the amount of \$43,230.00 for the construction of the domestic water supply replacement well; and authorize the Chairperson to sign contingent upon the appropriate signatures being obtained. Motion carried unanimously.
Museum/Moore Family Trust Photographs Donation	The Museum Services Manager, Mr. Jon Klusmire, provided additional information and further explanation regarding the request for the County to accept the Moore Family Trust's donation of historic photographs. Mr. Klusmire displayed several of the exquisite portrait photographs of native Americans, which are a part of the collection. The Board asked that Museum staff draft a thank you letter to the Moore Family for their generous donation, for the Chairperson's signature. Moved by Supervisor Fortney and seconded by Supervisor Pucci to accept a donation on behalf of Inyo County and the Eastern California Museum of photographic property, valued at \$13,200, consisting of 30, "non-vintage" Edward S. Curtis photogravure prints, which have been donated to the Eastern California Museum by the Moore Family Trust. Motion carried unanimously.

BofS/Minute Approval The Clerk asked that the minutes of the January 11, 2011 Board of Supervisors Meeting be changed as follows: page two second line of second paragraph Millpond Recreation Area be capitalized and that closed session be changed to reflect that Supervisor Fortney declared a conflict and left the meeting. Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to approve of the minutes of the Board of Supervisors Meetings of A) January 11, 2011 as amended; and B) January 18, 2011 as presented. Motion carried unanimously.

Resol. #2011-03/ CalEMA Agent Designation Update The County Administrator explained that in the course of working with CalEMA on the recent flood emergency, the County was notified that its resolution designating its Agent needed to be updated. On a motion by Supervisor Arcularius and a second by Supervisor Fortney, Resolution No. 2011-03, was approved designating the County Administrative Officer and the Director of Emergency Services as the County's Agent as required by California Emergency Management Agency (CalEMA): motion unanimously passed and adopted.

Board Members and Staff Reports The Board Members reported on their activities during the preceding week, including a meeting with seniors regarding the use of Statham Hall, an Owens Lake Master Plan Meeting, a tour of Diaz Lake with the concessionaire, Southern Inyo Airport Advisory Committee meeting, a EMCC Meeting, a meeting with the ICEMA representative, an RCRC legislative update, the youth and government presentation, and the Search and Rescue dinner. Mr. Randy Keller, County Counsel, notified the Board that with regard to the Save Round Valley litigation and the group's attempts to have the County pay for its legal fees, the Court agreed with the County's argument and had not awarded any attorneys fees.

Closed Session The Chairperson recessed open session at 11:10 a.m., to convene in closed session 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)]** - Inyo Citizens for Better Planning v. Inyo County; Inyo County Board of Supervisors et al.- Court of Appeal, 4th District Division Two, Riverside County Case No. E046646 - (Inyo County Superior Court Case No. SICVPT05-38164); No. 18. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION [Pursuant to Government Code §54956.9(c)]** - Decision Whether to Initiate Litigation (one case); No. 19. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION [Pursuant to Government Code §54956.9(b)]** – Significant Exposure to Litigation (one case); No. 20. **PERSONNEL [PURSUANT TO GOVERNMENT CODE §54957]** - Public Employee Performance Evaluation - Title: Director Public Works; No. 21. **PERSONNEL [PURSUANT TO GOVERNMENT CODE §54957]** - Public Employee Appointment - Title: Director Public Works; No. 22. **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, Director Child Support Services Susanne Rizo, and Chief Probation Officer Jeff Thomson; No. 23. **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: CAO Kevin Caruncho and Labor Relations Administrator Sue Dishion; No. 24. **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. 25. **CITY OF BISHOP** – Request discussion and possible direction to Staff concerning January 21, 2011 letter from the City Administrator of the City of Bishop regarding the City's role in providing EMS service in the Bishop area. The Chairperson recessed closed session at 5:05 p.m., to reconvene in open session.

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

BofS/City of Bishop EMS Letter The County Administrator opened the discussion regarding the January 21, 2011 letter from the City Administrator of the City of Bishop regarding the City's role in providing EMS service in the Bishop area. He clarified that the County has no more obligation to provide EMS services than the City, contrary to what was being portrayed in the letter. He reviewed the steps the County has taken to engage the City in the discussions regarding EMS services in the Bishop area. The Board discussed the letter, with several Board Members expressing their concern with the letter and its inference to Symons Ambulance. The Board noted that Symons has been proactive in resolving the issues relative to ambulance service in the Bishop area from the very beginning and

commended Symons for the outstanding service they have been providing the areas residents for years. Supervisor Fortney noted that Symons has continued to provide service within the acceptable requirements set by the State even without the second ambulance being in service. The Board asked the Chairperson to work with staff to develop a response to the City of Bishop that will reiterate the County's position, clarify the inaccuracies noted in the City's letter, including the role of the County and Symons, and that continues to extend the invitation to the City to participate in discussions with stakeholders to find solutions to the issues surrounding the elimination of the second ambulance in the Bishop area.

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 5:25 p.m., to 9:00 a.m., on Tuesday, February 8, 2011, 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*