

MINUTES

County of Inyo Board of Supervisors

February 22, 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 22, 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 Supervisor Cash 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 the County Department report period. Ms. Jean Turner, Director of Reports Health and Human Services, noted that a letter has been received from ICEMA regarding EMS volunteerism issues.
- CAO-Budget/State The County Administrator provided the Board with updated copies of the County's Budget Impact Budget Update report. The Board and the County Administrator briefly discussed the Governor's proposed Constitutional Amendment and CSAC's summary and briefing paper on the Amendment. The Board talked about proposed changes to realignment with the Director of Health and Human Services, Ms. Jean Turner.
- Emerg. Serv./Oak Moved by Supervisor Arcularius and seconded by Supervisor Fortney to continue the local Creek Mud Flows emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.
- CAO-Personnel/ Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve the Comprehensive MOU w/EOAA Memorandum of Understanding between the County of Inyo and the Elected Officials Assistants Association (EOAA) for the period of March 1, 2011 through February 28, 2013; and authorize the Chairperson to sign. Motion carried unanimously.
- Planning/Layne Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve Change Order #2 Christiansen to the Contract between the County of Inyo and Layne Christiansen to reduce the Contract amount Contract Amend. by \$89,159.36; and authorize the Planning Director to sign. Motion carried unanimously.
- Resol. 2011-06/ On a resolution by Supervisor Arcularius and a second by Supervisor Fortney, Resolution 2011-06 Deep Well Notice was approved accepting the improvements and authorizing the recording of a Notice of Completion of Completion for the Nevares 2 Deep Well Drilling Project: motion unanimously passed and adopted
- Planning-L.P. Moved by Supervisor Arcularius and seconded by Supervisor Fortney to appoint the following to the Design Review Lone Pine Architectural Design Review Board to complete two year terms ending February 24, 2013: Board (a) Ms. Kathi Hall representing the Lone Pine Chamber of Commerce member category; and (b) Ms. Appointments Linda Haun representing the public member category. Motion carried unanimously.
- Planning/EIR for Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve the following Crystal Geyser contracts, contingent upon the Board's adoption of future budgets and authorize the Chairperson to Cabin Bar Project sign, contingent upon the appropriate signatures being obtained: A) the Contract between the County of Inyo and PCR Services Corporation for the provision of environmental review and processing services for an Environmental Impact Report (EIR) for the Crystal Geyser Roxane Cabin Bar Ranch Water Bottle Plant project, in an amount not to exceed \$188,370 for the period of March 1, 2011 through March 1, 2013; and B) the Contract between the County of Inyo and C.G. Roxane LLC for the provision by the County of environmental review and processing services for an EIR for the Crystal Geyser Roxane Cabin Bar Ranch Water Bottling Plant project, in an amount not to exceed \$273,137 for the period of March 1, 2011 through March 1, 2013. Motion carried unanimously.

CAO-Budget/Mid Year Budget Presentation	The County Administrator provided the Board with an addendum to the Mid Year Financial Report. Mr. Carunchio thanked the Auditor-Controller, Ms. Leslie Chapman and the Budget Analyst, Ms. Randi Chegwiddden, for their assistance in preparing the Mid-Year Budget. He went on to present the Mid-Year Financial Report. Moved by Supervisor Arcularius and seconded by Supervisor Pucci to A) accept the Fiscal Year 2010-2011 Mid-Year Financial Report as presented and amended; B) approve the specific budget action items and recommendations discussed in the report and represented in Attachments A & B of the report and in the addendum presented during the discussion; C) continue to stress revenue attainment and expense savings in order to maximize year-end fund balances; and D) reaffirm the Extraordinary Budget Control Policies (Attachment C to the report), as amended and recommended, remain in effect. Motion carried unanimously. At the conclusion of the motion, Supervisor Cash expressed her thanks and appreciation to the County's employee groups both represented and non-represented that have recognized the tight position the County is in and who are making concessions to certain benefits.
Recess/Reconvene	The Chairperson recessed the regular meeting at 10:20 a.m., to reconvene in open session at 10:30 a.m., with all Board Members present.
Motor Pool/LADWP Lease for Motor Pool Vehicle Storage	Supervisor Fortney asked if it would be possible to move the Motor Pool vehicle storage site to the Eastern Sierra Regional (Bishop) Airport, since ESTA will also have a vehicle storage site at the Airport. Staff advised the Board that ESTA's use of the Airport site is an existing use, and the County's use is not an existing use and would require a change in the lease. Moved by Supervisor Fortney and seconded by Supervisor Pucci to approve the renewal of the Lease Agreement between the County of Inyo and the Los Angeles Department of Water and Power for the use of a .47-acre parcel located on South Street in Bishop, APN #08-010-071, as Motor Pool vehicle parking and storage, for the period of May 1, 2011 through April 30, 2016, at the base rate of \$500 per year, 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.
BofS/Out of State Travel	Supervisor Cervantes explained why he felt it was important for the Board to send a representative to the upcoming Summit of Mining Communities to be held in Elko, Nevada in April. The Board supported Supervisor Cervantes attending the Summit. The Chairperson noted that this item was before the Board because of the County's Travel Policy concerning out of State travel. Moved by Supervisor Arcularius and seconded by Supervisor Fortney to authorize Supervisor Cervantes to attend the Fifth Annual National Summit of Mining Communities to be held in Elko, Nevada, April 4 through 7, 2011. Motion carried unanimously.
Auditor/Treasurer/ESTA Financial and Treasury Services Agreement	The Auditor-Controller, Ms. Leslie Chapman, and the Treasurer-Tax Collector, Ms. Alisha McMurtrie, provided additional information regarding the impact of this Agreement on their Departments, explaining that while in the Auditor's Office it will increase the workload of the Department, it should be manageable and in the Treasurer's Office it should not significantly impact the Department's workload. Moved by Supervisor Cervantes and seconded by Supervisor Pucci to A) approve the Agreement between the County of Inyo and Eastern Sierra Transit Authority (ESTA) for the provision of financial and treasury services for an indefinite period commencing on execution of the Contract, contingent upon the Board's adoption of a FY 2011-12 budget and final amendment of the ESTA JPA to allow a separate auditor and treasurer; and authorize the Chairperson to sign contingent upon the appropriate signatures being obtained; and B) authorize a payroll expenditure account for ESTA to be held outside of the County Treasury. Motion carried unanimously.
P.W./ESTA Airport Leases	Mr. Courtney Smith, Transportation Planner, provided additional information and further explanation on the proposed ESTA Office Space and Ground Leases at the Eastern Sierra Regional Airport. Supervisor Fortney expressed concern about how the ground lease authorizes an equipment maintenance area. He said that he did not feel the lease adequately protects the County from costs that could be associated with the possibility of ground contamination. The Board and staff discussed the concerns as well as the additional concern that the maintenance operations is not currently an approved use of the property in the Airport Lease with the City of Los Angeles. Mr. John Helm, Executive Director of ESTA addressed the Board to support the approval of the contracts. The Board asked that the ground lease contract be amended to eliminate the maintenance area, noting that the contract could be amended in the future once all of the details of a maintenance area are ironed out.

Moved by Supervisor Fortney and seconded by Supervisor Arcularius to approve A) the Airport Office Space Lease with the Eastern Sierra Transit Authority, for facilities at the Eastern Sierra Regional Airport, for the term of one year and five months commencing February 1, 2011, with options to renew for four additional years, at an initial rental rate of \$15,000 a year beginning in July 2012, and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained; and B) the Ground Lease with the Eastern Sierra Transit Authority for parking of fleet vehicles on Eastern Sierra Regional Airport property, as amended to eliminate the use of the site for maintenance of vehicles, for a term of one year and five months commencing on February 1, 2011 with options to renew for four additional years, at an initial rental rate of \$3,000 a year beginning in July 2012; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.

P.W./Indian Reserv.
Roads Inventory
Letters

Moved by Supervisor Fortney and seconded by Supervisor Cervantes to authorize the mailing of letters regarding the Indian Reservation Roads Inventory to (a) the Lone Pine Paiute Shoshone Tribe; and (b) the Fort Independence Community of Paiute. Motion carried unanimously.

County Counsel/
Kirby Contract
Amendment

Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to approve Amendment No. 3 to the Contract between the County of Inyo and John D. Kirby for the provision of legal services to increase the amount of the Contract by \$20,000 to an amount not to exceed \$240,000 for the period of July 1, 2010 through June 30, 2011; and authorize the Chairperson to sign. Motion carried unanimously.

CAO-Personnel/
Atkinson, Andelson
Et Al Contract
Amendment

Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve Amendment No. 3 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, to increase the amount of the Contract by \$30,000 to a total amount not to exceed \$140,000, for the period of May 11, 2009 through June 30, 2011; and authorize the Chairperson to sign. Motion carried unanimously.

CAO-Info Serv./
Network and
Operations Analyst
Position

Moved by Supervisor Arcularius and seconded by Supervisor Fortney to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the requested position comes from the General Fund as certified by the Information Services Manger, and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates meet the qualifications for the position of Network and Operations Analyst, the vacancy could possibly be filled through an existing list or an internal recruitment, but an open recruitment would be more appropriate to ensure qualified applicants apply; and C) approve the hiring one Network and Operations Analyst at a level I through IV, Ranges 65 through 76 (\$3,671 - \$5,796) and authorize hiring at the E step depending upon qualifications. Motion carried unanimously.

Parks/Seasonal
Positions

Moved by Supervisor Fortney 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 comes from the General Fund, as certified by the Deputy County Administrator and concurred with by the County Administrator and Auditor-Controller; and B) approve the hiring of two seasonal Park and Campground Maintenance Helpers at Range PT42 (\$11.55 per hour) for the season beginning April 1, 2011 through September 30, 2011, contingent upon the Board's adoption of future budgets. Motion carried unanimously.

Water Dept./IRWMP
Mng. Group Meeting

Dr. Bob Harrington, Water Director provided information on the upcoming Regional Water Management Group Meeting for the IRWMP. Supervisor Pucci queried Dr. Harrington about the timing of publishing the agenda. Dr. Harrington explained that the Agendas are published per the Brown Act. The Board thanked Dr. Harrington for his ethical handling of recent situations regarding the IRWMP. The Board and Dr. Harrington continued to discuss the upcoming meeting, with the Board agreeing with staff's remarks.

BofS/Minute
Approval

Supervisor Cash asked that the minutes of January 25, 2011 be amended to include the Interim Forest Supervisor's name Jon Regelbrugge on page two, and on the same page the reference to ISEMA be changed to ICEMA and the February 8, 2011 minutes be amended on the first page to change spelling of Lutz to Lutze. Moved by Supervisor Cervantes and seconded by Supervisor Fortney to approve the minutes of the Board of Supervisors Meetings of A) January 25, 2011 as amended; B) February 1, 2011; C) February 8, 2011, as amended; and D) the Special Meeting of February 9, 2011. Motion carried unanimously.

Planning/OHV Grant Application Recommended by NRC	The Planning Director, Mr. Josh Hart, reviewed the scoring for the project requested from the Natural Resource Committee for a potential grant opportunity from the California State Parks Off-Highway Motor Vehicle Recreation Division (OHMVRD) Grants Program to fund a Travel Management Inventory of Inyo County. The Board, Mr. Dave Hicks of the NRC, and the Board discussed the proposed project in detail and at length. The Board thanked the Planning Department and the NRC for their work on behalf of this project. Because of timing issues related to the submittal of this application, the Board requested that the Planning Department bring the application and resolution authorizing the submittal back for further consideration next week.
Fish & Game/ Archery Zone A-19 Change in Dates	Moved by Supervisor Fortney and seconded by Supervisor Arcularius to authorize staff to draft a letter, with the assistance of Supervisor Fortney, to the State of California Department of Fish and Game, in support of changing the opening and closing dates of Archery Zone A-19 to coincide with Zones A-17 and A-18; and authorize the Chairperson to sign. Motion carried unanimously.
Fish & Game/ Governor's Big Game Tag Raffle	Supervisor Fortney provided further information regarding the request by the Fish and Wildlife Commission for the Board to support the sale of one of the Governor's Big Game Tags through a fund raising method that would benefit DFG and provide the general public an opportunity to obtain one of the tags. The Board expressed concern with the legality of a raffle and asked that the letter not be specific in how the tag would be made available. Moved by Supervisor Fortney and seconded by Supervisor Arcularius to direct staff to draft a letter, with the assistance of Supervisor Fortney, to the State of California Department of Fish and Game, in support of making one of the currently auctioned Governor's Big Game Tags, available to the average person applying for a hunting tag application through some type of lottery mechanism; and authorize the Chairperson to sign. Motion carried unanimously.
Board Members and Staff Reports	The Board Members reported on their activities during the preceding week, including Inyo Associates, the Early Fish Opener, a visit to the Tecopa Sewage Lagoon, a meeting regarding a new Youth Center to be built in Lone Pine, a Mule Days Report, an Inyo Fish and Wildlife Commission Meeting, and an ESTA Meeting. Supervisor Cervantes provided a copy of a letter from Riverside County regarding several desert counties joining together in a lawsuit to change California law regarding how solar energy projects are taxed, suggesting that the County may want to join the action. The County Administrator explained that the County of Inyo's Renewable Energy Ordinance was a stand alone ordinance that addresses how Inyo County will benefit from renewable energy projects in our County. He explained that joining outside legal actions could be a double-edged sword in that the results of litigation may be to diminish the County's authority under its own ordinance.
Public Comment	The Chairperson announced the public comment period and there was no one from the public wishing to address the Board
Closed Session	The Chairperson recessed open session at 12:10 p.m., to convene in closed session, with all Board Members present, to discuss and take action as appropriate on Agenda Items No. 23. PERSONNEL [PURSUANT TO GOVERNMENT CODE §54957] - Public Employee Appointment - Title: Director Public Works; No. 24. PERSONNEL [PURSUANT TO GOVERNMENT CODE §54957] - Public Employee Performance Evaluation - Title: Director Public Works; No. 25. 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. 26. 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 Carunchio and Labor Relations Administrator Sue Dishion; and No. 27. 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.
Report on Closed Session	The Chairperson recessed closed session at 1:15 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 meeting in memory of Jim Gooch, a retired County employee who worked for the County for 27 years and retired as the County's Public Works Director, who passed away recently. The Chairperson adjourned the meeting at 1:15 p.m., to 9:00 a.m., Tuesday, March 1, 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*
Patricia Gunsolley, Assistant