



# County of Inyo Board of Supervisors

## March 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, March 1, 2011, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Susan Cash presiding, Linda Arcularius, Marty Fortney and Richard Cervantes. Supervisor Rick Pucci was absent. Supervisor Cervantes provided the Invocation and 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.
- Child Support Services/Position** The Chairperson announced that the request by Child Support Services to fill a Child Support Officer position, item No. 12 on today's agenda, was pulled from the agenda at the request of the Department.
- Introduction** The District Attorney, Mr. Art Maillet, introduced the new Assistant District Attorney, Mr. William Richmond, to the Board.
- County Department Reports** The Managing Landfill Engineer, Ms. Jeff Ahlstrom, announced the schedule for the upcoming public meetings on the solid waste fee increase and service adjustments. The Planning Director, Mr. Josh Hart, announced that the March 23<sup>rd</sup> Planning Commission meeting has been cancelled because it conflicts with the upcoming LADWP Land Auction and, is being rescheduled for later in the month. Mr. Hart also told the Board that Yucca Mountain funding for this year, 42.4% of last year's allocation or about \$285,000, has been received by Inyo County. The Ag Commissioner, Mr. George Milovich, reported on an Ag Advisory Board Meeting wherein an authorized burn day schedule was developed. Mr. Doug Wilson, Interim Public Works Director, informed the Board that the County received no bids for the ESTA Security Lighting Project. Mr. Wilson also reported on the first Olancha 4-lane Project Development Team Meeting, explaining that Mr. Courtney Smith, Inyo County Transportation Planner, had attended the meeting to represent the LTC and for the purpose of reporting back to the Board on the status of the project. The County Administrator, Mr. Kevin Carunchio, reminded the Board about an upcoming Management Coaching webinar sponsored by CalEMA. Mr. Carunchio also reported on the FEMA process as it relates to the Tecopa Sewage Lagoon Project and that the U.S. Senate is looking into eliminating federal loan guarantees for renewable energy projects.
- CAO-Eastern Sierra Energy Initiative** Mr. Rick Phelps, Executive Director of the Eastern Sierra Energy Initiative updated the Board on the SCE Local Government Partnership and other activities.
- CAO-Budget/State Budget Impacts Update** The County Administrator provided the Board with the County impact report, as well as a copy of the Governor's proposed Constitutional Amendment and CSAC's three-page synopsis of the Amendment. He and the Board discussed the Amendment and its potential impacts, with Supervisor Cash requesting that a full discussion of this item in relation to the upcoming CSAC Board of Director Meeting on March 24, 2011 be agendized for next week.
- Recess/Reconvene** The Chairperson recessed the regular meeting at 9:50 a.m., to reconvene in open session at 10:00 a.m., with all Board Members present, except Supervisor Pucci.
- Emerg. Serv./Oak Creek Mud Flows** Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously, with Supervisor Pucci absent.

DA/Victim Witness Grant Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to authorize acceptance of the Inyo County Victim Witness Assistance Program Grant from the California Emergency Management Agency (Cal-EMA) for FY 2010-11; and authorize the District Attorney to sign any documentation to accept and utilize the grant on behalf of the County. Motion carried unanimously, with Supervisor Pucci absent.

DA/Anti Drug Abuse Enforcement Team Grant Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to authorize acceptance of the Inyo County Anti-Drug Abuse (ADA) Enforcement Team Program Grant from the California Emergency Management Agency (Cal-EMA) for FY 2010-11; and authorize the District Attorney to sign any documentation to accept and utilize the grant on behalf of the County. Motion carried unanimously, with Supervisor Pucci absent.

Sheriff/Enterprise License Agreement Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to declare ESRI a sole-provider of Enterprise License Agreement services; authorize the purchase of Enterprise License Agreement services from ESRI for a three-year period in an amount not to exceed \$81,563, contingent upon the Board's adoption of future budgets; and authorize the County Administrator to sign the three-year Agreement. Motion carried unanimously, with Supervisor Pucci absent.

P.W./Forest Highways Grant Mr. Courtney Smith, Transportation Planner, provided additional information regarding the Forest Highways Grant for Whitney Portal Road and the letter to Mono County regarding its application for Rock Creek Road. Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to approve A) the submittal of a Forest Highways Grant for Whitney Portal Road; and B) a letter of support to Mono County for a Forest Highways Grant application for Rock Creek Road; and C) authorize the Public Works Director to sign documents related to both of the above. Motion carried unanimously, with Supervisor Pucci absent.

Ag Comm./ MVCAC Agreement The Agricultural Commissioner, Mr. George Milovich, provided information regarding the request to have the county join the MVCAC. He explained that the County has three options to provide the services being required through this Agreement and that the Association was formed as a Coalition of counties in order to provide a means to provide a more economical way for the jurisdictions to provide the services. Moved by Supervisor Fortney and seconded by Supervisor Arcularius to approve the Application and Agreement to participate in the Monitoring Program between the County of Inyo and the Mosquito and Vector Control Association of California to fulfill chemical and toxicity monitoring provision requirements for the period of April 9, 2011 through June 30, 2016, in an amount not to exceed \$7,000, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Pucci absent.

Clerk-Recorder/ Position Request The County Administrator provided the Board with a correction to the CAO recommendation contained in the Agenda Request Form (ARF) for the Clerk-Recorder position. Mr. Carunchio explained that an early draft of his recommendation had been inadvertently included in the ARF. The Clerk-Recorder, Ms. Kammi Foote, provided additional information, and further justification to create a new job series of Recorder/Elections Technician in the Clerk-Recorder's Office. The Board and Ms Foote discussed the recommendation in detail and at length. The Board expressed concern with the proposal to fund a portion of a new position's salary with one-time funding from the Modernization Fund, which the Board believes is in place to cover the costs of unexpected upgrades to voting/recording systems, explaining that if the funds are not there, it could detrimentally impact the County's General Fund. The Board also expressed concern with the timing of this request, explaining that there are many departments that would like to bring their requests for reclassifications forward, but have not because of the Board's concerns with the current budget situation. The Board and Ms. Foote went on to discuss the alternative proposal of changing the current Recorder/Elections Clerk to an Office Manager position, which the CAO said was consistent with other positions throughout the County. The Board thanked Ms. Foote for her detailed report and spreadsheets. Several Board Members explained that they were not supporting the changes that were being recommended and expressed their support for Alternative No. 2 contained in the ARF, which was status quo. Moved by Supervisor Arcularius and seconded by Supervisor Fortney to find consistent with the adopted Authorized Review Policy: a) the availability of funding for the requested position comes from the General Fund, 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 Recorder/Elections Clerk II, the vacancy can be filled through an internal, countywide recruitment; c) approve the hiring of one Recorder/Elections Clerk II at a Range 46 through 50 (\$2,358 - \$3,150) and D) authorize an extension of the temporary employee performing the work of the Recorder/Elections Clerk until the position can be filled permanently. Motion carried unanimously, with Supervisor Pucci absent.

DA/Unserved-  
Underserved Victim  
Advocacy &  
Outreach Program

The District Attorney, Mr. Art Maillet, provided additional information and further justification for the request to seek a CalEMA Grant for a new Unserved/Underserved Victim Advocacy and Outreach Program. The Board, Mr. Maillet and the County Administrator discussed the Program at length, with Mr. Maillet and his staff member, Ms. Heidi Garcia, responding to questions from the Board to explain that this new program will compliment the current Victim Witness Grant Program and will provide funding for portions of Department salaries that are currently covered by the General Fund. Moved by Supervisor Fortney and seconded by Supervisor Arcularius to A) authorize acceptance of the Unserved/Underserved Victim Advocacy and Outreach Program Grant from California Emergency Management Agency (Cal-EMA) and authorize the District Attorney to sign any documents necessary to accept and utilize the Grant; B) approve the creation of the Unserved/Underserved Victim Advocacy and Outreach Program Grant Budget Unit (number to be assigned by the Auditor-Controller; and C) amend the FY 2010-11 County Budget Unserved/Underserved Victim Advocacy and Outreach Program Budget by increasing estimated revenue in Other Government Agencies (*Revenue Code #4555*) by \$75,000, and increasing appropriations in expenditure objects codes as recommended by Staff by \$75,000. Motion carried unanimously, with Supervisor Pucci absent.

Resol. #2011-07/  
OHV Grant Travel  
Management  
Inventory of Inyo  
County

The Planning Director, Mr. Josh Hart, and the Chairperson of the Inyo County Natural Resources Committee, Mr. Doug Hicks, provided additional information and further explanation regarding the request to apply for an OHMVRD grant to fund a Travel Management Inventory of Inyo County. Mr. Hart noted some changes in the application as follows: (a) add resources to provide for expenses and stipends for volunteers per the County's Volunteer Policy; (b) add efforts to the GPS task; (c) eliminate one or both of the ATV purchases; (d) add a task for researching historic maps; and (e) add language that will allow for subcontracting. Mr. Hart noted that this grant will require a substantial effort by the Planning Department, which he estimates will require 1500 hours of the Associate Planner's time over a two year period, or about 1/4 of her time and is feasible as long as the volunteers are doing the work. He said that if it requires planning staff to perform the tasks then it will interfere with other planning priorities. Supervisor Fortney explained that he is concerned with how private property will be mapped. He explained that DWP has indicated that if any of the roads on their lands in the Valley end up on these maps, they will close the roads. Supervisor Fortney said that he will not support any project that eliminates the public's access to DWP property. The Board and Staff discussed the inference that this plan is compatible with surrounding jurisdictions. The Board and staff discussed how private property would be addressed. The County Administrator suggested that the fourth "whereas" in the resolution be changed to read "...this Project will **further** conformance with this jurisdictions..." which will clarify the County's statement regarding consistency with other jurisdictions plans. The Board requested that a statement be added to the resolution to direct that private property will only be mapped upon written consent of the property owner. Moved by Supervisor Arcularius and seconded by Supervisor Fortney to review and approve language for a grant proposal to the California State Parks Off-Highway Motor Vehicle Recreation Division (OHMVRD) Grants Program to fund a Travel Management Inventory of Inyo County as amended and adopt Resolution No. 2011-07, as amended, approving the grant application, making various certifications and appointing the Planning Director as Grant Agent. Motion carried unanimously, with Supervisor Pucci absent.

Resol. #2011-08/  
Bicycle Lanes Ed  
Powers & Red Hill  
Roads

On a motion by Supervisor Arcularius and a second by Supervisor Cervantes, Resolution No. 2011-08, approving a Bicycle Transportation Account application for the construction of bicycle lanes up to four feet wide on Ed Powers and Red Hill Roads, was approved: motion unanimously passed and adopted, with Supervisor Pucci absent.

Parks/Lone Pine  
Community Center  
Proposal

The Board received a presentation from the Lone Pine Community Center Planning Committee on the proposed Lone Pine Community Center. The Board discussed the Committee's concept to construct and donate a 5,000 square foot building to be utilized as a community events and youth center to be located at the Lone Pine Park. The Board heard from Mr. Matt Kingsly who presented the proposal on behalf of the Committee. They also heard from Mr. Dave Haas the benefactor of the project, who provide more insight into his vision for the Center and how he believes this type of facility will benefit the community of Lone Pine. Mr. Charles James of the Healthy Communities talked about how the facility would be used as a youth center and Ms. Jacque Hickman, addressed how a facility like this will also help the County. The Board and members of the audience discussed proposed upkeep of the structure, as well as a myriad of other issues surrounding the construction, use, and long-term maintenance of the building. Several Board Members expressed concern with a previous action of the Board that had resulted in new landscaping for the portion of the Lone Pine Park where the new building is being proposed. The Board was concerned about spending funds that were earmarked for Millpond at the Lone Pine Park, which was now going to be replaced by the

building. Supervisor Cervantes explained that he felt a large portion of the landscaping would still be used as landscaping for the new building. The Board Members expressed their thanks to Mr. Haas for his generous donation and to the members of the Planning Committee for their efforts in getting this project moving forward. The County Administrator explained that staff would begin the next step in the process by beginning discussions with Mr. Haas and the group to develop an MOU that would formulate the relationship between the County and the group to be returned for Board consideration.

Recess/  
Reconvene

The Chairperson recessed the regular meeting at 12:35 p.m., to reconvene at 1:15 p.m., in closed session, with all Board Members present, except Supervisor Pucci.

Closed Session

The Board met in closed session to discuss and take action as appropriate on Agenda Items No. 22. **PERSONNEL [PURSUANT TO GOVERNMENT CODE §54957]** - Public Employee Appointment - Title: Director Public Works; and No. 23. **PERSONNEL [PURSUANT TO GOVERNMENT CODE §54957]** - Public Employee Performance Evaluation - Title: Director Public Works. The Chairperson recessed closed session at 3:20 p.m., to reconvene in open session.

County Counsel/  
Liebersbach Contract  
Amendment

Moved by Supervisor Cash and seconded by Supervisor Fortney to approve and ratify Amendment No. 6 to the Agreement between the County of Inyo and Liebersbach, Mohun, Carney & Reed for the provision of legal services in advising and representing the County of Inyo, and its Board, as respondents in *Save Round Valley Alliance v County of Inyo et al.*, for the period of September 2, 2005 through completion of the lawsuit, to increase the amount of the contract to an amount not to exceed \$88,520; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously, with Supervisor Pucci absent.

Resol. #2011-09/  
ICEA Impasse

The County Administrator explained that the union had presented the County's last, best and final offer to its ICEA membership, which had voted to decline the offer. He said that the declaration of impasse was the next step in the process and that the matter will proceed to non-binding mediation once impasse is declared. On a motion by Supervisor Arcularius and a second by Supervisor Fortney, Resolution No. 2011-09 titled "A Resolution of the Board of Supervisors, County of Inyo, State of California, Declaring Impasse With the Inyo County Employees' Association," was approved: motion unanimously passed and adopted with Supervisor Pucci absent.

Planning/Land  
Management Rule  
Forum

The Planning Director, Mr. Josh Hart, reviewed the information provided regarding the Forest Service's Proposed Land Management Planning Rule and the upcoming forum. The Board and Mr. Hart discussed in detail and at length the information, including that several of the County's comments regarding coordination were not included and/or acknowledged or could be strengthened. The Board, the Planning Director and the County Administrator continued to discuss the proposed Rule. At the end of the discussion, Supervisor Arcularius excused herself because of travel requirements, and left the meeting at 4:03 p.m.

Planning/Comments  
on Draft Solar PEIS

The Planning Director, Mr. Josh Hart, reviewed the Draft Solar PEIS and the comment letter. He informed the Board that Ms. Tanda Gretz, Senior Planner, had attended the meeting in Barstow on this and that the national conservation groups were well represented and the prevailing concern was that BLM had chosen the wrong alternative. The Board and Staff continued to discuss the issues, including the timing for pushing the County's position regarding coordination and that any Plan must comply with the local jurisdiction's General Plan. The Board requested that the Planning Director re-draft the comment letter on the DOE's and BLM's Draft Solar PEIS to better reflect the Board's comments and concerns per today's discussion.

Planning/CTPG  
Workplan

The Planning Director reviewed of the final 2010 California Transmission Planning Group (CTPG) Statewide Transmission Plan. He reviewed the latest maps that show no sites designated in Inyo County despite the County's early and continued involvement in the process. The Board and the County Administrator discussed the County's renewable energy ordinance and the impact of this Plan on the County's ability to promote renewable energy developments in the County. The Board and Staff also talked about recent developments that are taking place around transmission capabilities. The Board asked Staff to relay the County's comments and concerns regarding the County's exclusions in the CTPG as it relates to the 2011 work plan.

County Counsel/ Deputy County Counsel Position	Moved by Supervisor Fortney and seconded by Supervisor Cervantes 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 County Counsel and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates meet the qualifications for the position, the vacancy could possibly be filled through an internal recruitment, however there are no qualified internal candidates and an open recruitment is required and C) approve the hiring of one Deputy County Counsel I through IV, at Range 76 (\$5,245) through 85 (\$7,915*)(* includes 10% premium license stipend), contingent upon qualifications. Motion carried unanimously, with Supervisors Arcularius and Pucci absent.
Public Comment	The Chairperson announced the second public comment period and there was no one from the public wishing to address the Board.
Closed Session	The Chairperson recessed open session at 4:30 p.m., to reconvene in closed session to discuss and take action as appropriate on Agenda Items No. 26. <b>CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]</b> - 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. 27. <b>CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]</b> - 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; No. 28. <b>CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]</b> - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Inyo County Correctional Officers Association (ICCOA) - Negotiators: Labor Relations Administrator Sue Dishion; No. 29. <b>REAL PROPERTY NEGOTIATIONS - CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Pursuant to Government Code §54956.8)</b> – Property – APN008-240-01, Bishop, California – Negotiating Parties – County Administrator and Mitchell Asset Group – Negotiations – Terms and Conditions; and No. 30. <b>REAL PROPERTY NEGOTIATIONS - CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Pursuant to Government Code §54956.8)</b> – Property – APN010-490-08, Bishop, California – Negotiating Parties – County Administrator and Joseph Enterprises – Negotiations – Terms and Conditions.
Report on Closed Session	The Chairperson recessed closed session at 4:45 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 4:45 p.m., to 9:00 a.m., Tuesday March 15, 2011, in the Board of Supervisors Room, at the County Administrative Center, in Independence.

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*Chairperson, Inyo County Board of Supervisors*

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

*by: \_\_\_\_\_  
Patricia Gunsolley, Assistant*