

MINUTES

County of Inyo Board of Supervisors

April 19, 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 April 19, 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 the Assistant Clerk of the Board, Ms. Patricia Gunsolley, led the Pledge of Allegiance.

- Public Comment** The Chairperson announced the public comment period. Rich and Kathy White, representing the Independence Chamber of Commerce, updated the Board on this year's Cal Expo Exhibit and invited the Board to the Awards Ceremony to be held on July 14, 2011, asking that the Board Members wishing to attend notify the White's on or before May 27, 2011, which is the deadline for reservations.
- County Department Reports** The Chairperson announced the County Department Report period. Mr. Jon Klusmire, Director of Museum Services, reported that the County had not been selected to receive the grant for the LORP Interpretive Center. Mr. Klusmire went on to report on Museum activities, including the Virtual Transportation Museum project, and an Annenberg Grant opportunity. The Interim Public Works Director, Mr. Doug Wilson reported that the Planning Committee for the Olancha 4-lane project has made its recommendation to the District 9 Director, which is to by-pass Olancha. Mr. Courtney Smith, Transportation Planner, provided additional information concerning how the group arrived at its recommendation. The Water Director, Dr. Bob Harrington, updated the Board on several items including the DWP Annual Operations Plan, explaining that the County is awaiting the Plan and a Water Commission meeting has been scheduled to review the Plan on Monday, and the Board to review the Plan the following day on Tuesday April 26, 2011; and (b) the Department is working with RCRC representatives regarding groundwater monitoring legislation for alternative monitoring in restricted basins. Dr. Harrington also discussed the Coso Project explaining that the recent Big Pine Tribe letter regarding the project reiterated the Tribe's original objections to the project.
- CAO-Budget/** The County Administrator reported that the DA has been informed that the County will only receive \$17,577 of the Vertical Prosecution Grants this year, instead of the \$56,373 that was budgeted. He said in keeping with the Budget Policy it is incumbent on the Department Head to notify the Board of the loss of revenue and to present a corrective action plan. The Board and the County Administrator noted that the DA was not present and had not presented to date a corrective action plan. The Board said they did not want to wait to address this issue and requested that the County Administrator prepare a budget amendment for the Board's consideration next week, to immediately take action to rectify the spending plan for this Budget.
- Emerg. Serv./Oak Creek Mud Flows** Moved by Supervisor Cervantes and seconded by Supervisor Fortney to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.
- P.W./Bishop Mural Society Agreement** Moved by Supervisor Cervantes and seconded by Supervisor Fortney to approve the Agreement between the County of Inyo and the Bishop Mural Society for the installation of ceramic mural tiles on the Bishop Library building; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
- Emerg. Serv./Center Fire Emergency** The County Administrator recommended that the Board end the state of emergency associated with the Center Fire disaster, in light of the absence of a Governor's proclamation of emergency. Moved by Supervisor Fortney and seconded by Arcularius to declare the local emergency as a result of the March 18, 2011, Center Fire disaster over. Motion carried unanimously.

Resol. #2011-16/ Independent Hearing Panel	On a motion by Supervisor Fortney and a second by Supervisor Pucci, Resolution No. 2011-16 rescinding Resolution No. 92-17 and appointing an Independent Hearing Panel pursuant to the California Integrated Solid Waste Management Act of 1989 was approved: motion unanimously passed and adopted.
	Moved by Supervisor Fortney and seconded by Supervisor Pucci to appoint Mr. Dan Totheroh and Mr. Arnie Palu, to the Independent Hearing Panel, representing the technical and member at large categories respectively, to complete four year terms ending April 19, 2015. Motion carried unanimously.
P.W./TEA App Musuem Transportation Wing Project	The Interim Public Works Director, Mr. Doug Wilson, explained that negotiations between the County and DWP for property to locate a Transportation Museum in Independence to house the Slim Princess Engine had been unsuccessful and is looking at alternative sites, the Eastern California Museum property had been selected as a suitable alternative. He went on to explain with the change in location and scope, Caltrans had determined (a) it was not an amendment to the original TEA Project, (b) that a new application would be required; and (c) that it was no longer suitable for TEA funding. Mr. Wilson also said that the Carson and Colorado group had indicated that they would be looking for alternative funding for this project. With that explanation, Mr. Wilson informed the Board that the Public Works Department was not recommending that the Board proceed with the submittal of a subsequent TEA Grant Application for the project. Mr. Bob Ennis of the Carson and Colorado Railway group, addressed the Board to provide information on the lengthy history of the project and to support the submittal of an application for the new project. The Board empathized with Mr. Ennis regarding the amount of time and energy spent over the years on this project and the change in Caltrans' support for the Project. The Board noted that the County has contended with this type of bureaucracy on other County TEA Projects before and offered its support to the group in their efforts to identify alternative funding. Moved by Supervisor Fortney and seconded by Supervisor Arcularius to direct Staff to not submit the Transportation Enhancement Application for the Eastern California Museum Transportation Wing Project. Motion carried unanimously.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 10:20 a.m., to reconvene in open session at 10:35 a.m., with all Board Members present.
Integ. Waste/ Industrial Storm Water Permit Regulations	Mr. Jeff Ahlstrom, Managing Landfill Engineer, presented the Board with an amended letter to the Water Resources Board on the State Water Board General Industrial Storm Water Permit regulations. Mr. Ahlstrom told the Board that it was Public Works perspective that the County will be exempted from some of the requirements. Supervisor Arcularius requested that a copy of the letter be provided to RCRC and CSAC as well as our State Legislators. Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve the amended letter to the State Water Resources Board on the State Water Board General Industrial Storm Water Permit. Motion carried unanimously.
Water Dept./ IRWMP Management Group Meeting	The Water Director, Dr. Bob Harrington, provided further information and explanation regarding the items for decision on the upcoming April 27, 2011 Regional Water Management Group meeting for the Inyo-Mono Integrated Regional Water Management Plan (IRWMP). The Board discussed each of the following items in detail and at length and agreed with Staff's recommendations regarding the request: (3a) to approve the MOU; (3b) to approve the time-line approval of revisions to the MOU; (5) to approve document outlining goals, methods and questionnaire for allocating funding; (6) to authorize staff to execute planning grant contract; and (10) to approve the minutes of the February 23 and March 23 meetings.
BofS/Minute Approval	Moved by Supervisor Fortney and seconded by Supervisor Arcularius to approve the minutes of the April 5, 2011 Board of Supervisors Meeting. Motion carried unanimously, on a four-to-zero vote, with Supervisors Arcularius, Cash, Fortney and Cervantes voting yes and with Supervisor Pucci abstaining.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 10:55 a.m., to reconvene in a workshop at 11:00 a.m., with all Board Members present.
Water Dept./Green Book Workshop	The Board convened in a workshop with representatives of the Inyo County Water Department concerning ongoing revisions to the technical appendix to the Inyo/Los Angeles Long-Term Water Agreement ("Green Book"). The chairperson recessed the workshop at 11:35 a.m.

Recess/ Reconvene	The Chairperson recessed the regular meeting at 11:35 a.m., to reconvene in a workshop at 12:30 p.m., with all Board Members present.
Planning/Land Management Rule Comments	The Board convened in a workshop with the Planning Director, the County Administrator and County Counsel regarding the drafting of the County's comments on the U.S. Forest Service's Proposed Land Management Rule and Draft Environmental Impact Statement. It was determined that the two things the County needs to hammer on is the consultation and socio-economic impacts and the idea that ecology is being elevated to a position higher than the other two legs of the stool which is totally incorrect. The Chairperson recessed the workshop at 1:20 p.m. to reconvene in open session with all Board Members present.
Board Members and Staff Reports	The Board Members reported on their activities during the preceding week, including the Bishop Airport Dedication, Inyo Associates, the fund raising dinner in Bishop for the Center Fire victims, the LTC meeting, and a NACo Conference call. The County Administrator reported on his disappointed in the County not being selected to have the LORP Interpretive center funded. He said that he felt it was truly an appropriate use of the funds.
Post Agenda/Big Pine Tribe Letter re: Consultation on Renewable Energy GPA	The County Administrator noted that the Board had been given a copy of a letter from the Big Pine Tribe regarding the Tribes concerns that the County had not responded to the Tribe's request for consultation regarding the Renewable Energy General Plan Amendment. He informed the Board that the letter had been received on Friday after the agenda for today's meeting was published. Supervisor Pucci indicated that he would like to invite the Big Pine Tribal Council to an upcoming Board Meeting to talk with the Board of Supervisors in person. The County Administrator explained that since the public hearing on the GPA is scheduled for next week any discussion the Board wanted to have regarding the letter would need to be made before next week. The Chairperson provided an explanation on how the Board could further discuss this letter by adding it as an urgency item to today's agenda, which would require a motion. Supervisor Cash noted that she did not believe the latest letter raised any new issues for her, noting that it was a rehash of previous letters, which the Board has already addressed. Moved by Supervisor Pucci and seconded by Supervisor Fortney to find that the letter and the need for the Board to take action on the letter from the Big Pine Tribe regarding consultation on the Renewable Energy General Plan Amendment arose after the Agenda for the April 19, 2011 Board of Supervisors Meeting was posted and there is a need for the Board to take action on this item prior to the next regularly scheduled meeting. Motion carried on a four-to-one vote, with Supervisors Arcularius, Pucci, Fortney and Cervantes voting yes, and with Supervisor Cash voting no.
BofS/Big Pine Tribe Letter on Consultation	Supervisor Pucci noted that the Board has recently received numerous letters from the Big Pine Tribe regarding consultation and while the County has responded, it appears that the Tribe still would like to talk to the Board directly. He asked the Board to consider sending a letter to the Big Pine Tribe inviting the Tribal Council to attend a Board meeting to talk to the Board about whatever subjects they would like. Mr. Randy Keller, County Counsel explained that the reference to SB18 noted in the Tribe's letter is specific to the General Plan Amendment. He went on to explain that the Board will be having a hearing on the GPA and the Tribe should address its concerns at that time. Supervisor Pucci suggested that the Board send a specific invitation for the Tribal Council to come and speak during the public hearing on the General Plan Amendment next week. The Board discussed sending a letter as a follow-up to the discussion as being appropriate, noting that with regard to the reference in the letter of "disrespect" the County has in no way disrespected the Tribe, it appears to be more of a disagreement on the definition and understanding of "meaningful consultation." Moved by Supervisor Pucci and seconded by Supervisor Fortney to direct staff to draft a letter for the Chairperson's signature notifying the Big Pine Tribal Council of the Board's actions to place their letter of April 15, 2011 on today's agenda as an emergency item, that the conclusion of the discussion is that the County has been actively involved in meaningful consultation with the Big Pine Tribe, and the Board looks forward to and invites the Big Pine Tribal Council to continue that dialog at the public hearing on the GPA next Tuesday, at 10:00 a.m., in the Board of Supervisors Room, at the County Administrative Center, in Independence. Motion carried unanimously.
Public Comment	The Chairperson announced the second public comment period and there was no one in the audience wishing to address the Board.

Closed Session

The Chairperson recessed open session at 2:00 p.m., to convene in closed session, with all Board Members present to discuss and take action as appropriate on Agenda Items No. 15. **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. E045545 – (Inyo County Superior Court case No. SICVPT05-38164); No. 16. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [PURSUANT TO GOVERNMENT CODE §54956.9(a)]** – *Save Round Valley Alliance v County of Inyo, Inyo County Board of Supervisors, and DOES 1-19; Jim Walters and DOES 20-40*, Inyo County Court Case No. SICVPT 05-39748 (Court of Appeal, 4th District Division Two, Riverside Ca Case No. E041364); No. 17. **PERSONNEL [PURSUANT TO GOVERNMENT CODE §54957]** - Public Employee Appointment - Title: Director Public Works; No. 18. **PERSONNEL [PURSUANT TO GOVERNMENT CODE §54957]** - Public Employee Performance Evaluation - Title: Director Public Works; No. 19. **PERSONNEL [Pursuant to Government Code §54957]** - Public Employee Performance Evaluation - Title – Director of Health and Human Services; No. 20. **CONFERENCE WITH LABOR NEGOTIATOR (Pursuant to Government Code §54957.6)** – Instructions to Negotiators re: wages, salaries and benefits – Title: Director of Health and Human Services – Negotiator – as designated by the Board of Supervisors; No. 21. **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 of Child Support Services, Susanne Rizo, and Chief Probation Officer Jeff Thomson; No. 22. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Deputy Sheriffs Association (DSA) - Negotiators: CAO Kevin Carunchio and Labor Relations Administrator Sue Dishion; No. 23. **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. 24. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Inyo County Probation Peace Officers Association (ICPPOA) - Negotiators: Labor Relations Administrator Sue Dishion and Director of Child Support Services Susanne Rizo.

Report on Closed Session

The Chairperson recessed closed session at 4:55 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 4:55 p.m. to 9:00 a.m., Tuesday, April 26, 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