

# MINUTES

# County of Inyo Board of Supervisors

**April 26, 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, April 26, 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 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 Reports** The Chairperson announced the County Department Report period. The Auditor-Controller, Leslie Chapman, presented the Board with a copy of the audited financial statements and to inform the Board that she was planning on conducting a workshop on these in the near future. In response to questions from the Board, Ms. Chapman explained how the Southern Inyo Hospital District parcel tax is apportioned and why the Lone Pine Cemetery District receives the funds it does. Sheriff Bill Lutze reported on the California Sheriff's Association Conference he had attended. He said reports at the conference were that law enforcement funding was going to be significantly cut in the upcoming State Budget. Ms. Jean Turner, Director of Health and Human Services, reported on the CMSP webinar and the CMSP program. She also reported on the IMAAA Program. Josh Hart, Planning Director, reported on a meeting he had with CHF Homebuyers Program representatives. Dr. Bob Harrington, Water Director reported that the County has turned on one of the pumps to supply water to Diaz Lake per the Long Term Water Agreement.

**Integ. Waste./ Disposal Fee Ordinance** The Board and the Deputy County Administrator, Mr. Chuck Hamilton, discussed the information obtained through numerous public meetings and a Countywide survey regarding an increase in solid waste disposal fees. Mr. Hamilton explained that even with the proposed changes to the fees being charged, Inyo County's rates remain very low when compared to other jurisdictions. The Board talked about the amount of funds that might be generated from the various scenarios noting that staff is recommending an increase in the gate fees from \$2.00 to \$5.00; an increase in the franchise fee the waste haulers pay from 5% to 10%; the implementation of a \$3.00 per cubic yard charge for waste haulers; and an increase in the residential and commercial bin rates. Mr. Dale Comontofski of Preferred Septic, addressed the Board to provide his support for a gate fee increase and to request that the Board set a minimum rate or "floor" for hauling charges. The Board and staff discussed establishing the rates, setting maximum and/or a minimum rates for services. County Counsel explained how minimum and maximum rates work. Several Board Members indicated they were not interested in establishing a rate schedule and continued to discuss the pros and cons of setting minimum and maximum rates. The Board's conversation included the inevitability of the waste haulers passing along the increases to their consumers and requested that a line item be identified in the Integrated Waste Budget each year to identify the surplus funds generated by the increases.

**Recess/ Reconvene** The Chairperson recessed the regular meeting at 10:30 a.m., to reconvene in open session at 10:35 a.m., with all Board Members present.

**Integ. Waste/ Disposal Fee Ordinance** The Board continued to discuss proposed increases for solid waste disposal services. Supervisor Fortney indicated that he wanted to have a Board discussion regarding how southeast County residents can be required to pay for the waste hauling services that are provided, since currently those services are provided free of charge. The Board talked about changing Federal and State regulations, which will probably not allow unmanned transfer stations and dumpsters in the future, as well as the Board's need to address these issues independent of the proposed changes to the solid waste disposal fee ordinance. Several Board Members indicated that they were unwilling to delay the implementation of disposal fee increases at the landfills in order to have the discussion regarding southeast County services, explaining that because of bidding requirements for next year's hauling services, the waste haulers will need to know what the increases are going to be in order to submit bids. With regard to setting maximum and minimum rates the Board discussed establishing a maximum rate in those areas where there is no competition and a minimum rate in

those areas where there is competition. The Board also discussed and nixed the idea of a built in fee escalator, saying they would rather have an opportunity to assess the cost for services every couple of years. The Board did request that Integrated Waste schedule the southeast County discussion as soon as possible. The Board continued to discuss the proposed changes in the solid waste disposal fees at length, with the Board directing the Deputy County Administrator to begin the process to have the Board consider the adoption of an ordinance to increase the solid waste disposal fees per today's discussion so that the ordinance is effective on or before July 1, 2011.

Recess/  
Reconvene

The Chairperson recessed the regular meeting at 11:00 to reconvene in open session at 11:10 a.m., with all Board Members present.

Emerg. Serv./Oak  
Creek Mud Flows

Moved by Supervisor Arcularius and seconded by Supervisor Fortney to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.

Rd. Dept./Dump  
Trailers P.O.

Moved by Supervisor Arcularius and seconded by Supervisor Fortney to declare Bresnyan Carriers a sole source provider of semi bottom dump trailers and authorize the purchase of two semi bottom dump trailers from Bresnyan Carriers in the amount of \$20,000 each plus sales tax of \$3,510 and delivery charges of \$1,800 for a total amount not to exceed \$45,310. Motion carried unanimously.

Planning/Public  
Hearing GPA  
2010-03/Inyo  
County

The Chairperson opened the **PUBLIC HEARING** at 11:10 a.m., regarding the Renewable Solar and Wind Energy General Plan Amendment (General Plan Amendment No. 2010-03/Inyo County). The Planning Director, Mr. Josh Hart, requested that the staff report and all its attachments be entered into the record and it was Marked Exhibit A. He went on to submit the documents which were entered into the record as follows: Exhibit B – the amended Resolution approving the GPA; Exhibit C – the April 19, 2011 Board of Supervisors letter responding to the Big Pine Paiute Tribe; Exhibit D – the April 15, 2011 letter from the Big Pine Paiute Tribe to the Board; Exhibit E – the April 19, 2011 letter from the Death Valley Timbisha-Shoshone Tribe; Exhibit F – the April 25, 2011 email from Brian Adkins of the Bishop Paiute Tribe; Exhibit G – maps of the Timbisha-Shoshone lands that were excluded from the overlay; and Exhibit H – the April 26, 2011 letter from the Sierra Club's attorney Laurens H. Silver. The Planning Director went on to review the Staff report and recommendations. He explained the overlay maps showing the areas to be designated for renewable solar and wind energy developments under the General Plan Amendment and to confirm the County's consultation with the various Native American tribes throughout the Valley. Mr. Hart also confirmed that the Negative Mitigated Declaration was adequate to comply with CEQA. Mr. Andy Holmes of Triad Engineering addressed the Board to support the General Plan Amendment. Mr. Mark Bagley of the Sierra Club, Mr. Gary Bacock, Tribal Administrator Big Pine Paiute Tribe, and Mr. Bill Helmer, representing the Big Pine Paiute Tribe, addressed the Board to oppose adopting the General Plan Amendment. No one else came forward to address the Board and the Chairperson closed the public hearing at 12:10 p.m.

Resol. #2011-17/  
Adopting General  
Plan Amendment  
2010-03/Inyo  
County

Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to approve Resolution No. 2011-17, making certain findings with Respect to General Plan Amendment No. 2010-03/Inyo County (Renewable Solar and Wind energy); making certain findings with respect to and certifying and adopting a Mitigated Negative Declaration/Initial Study for General Plan Amendment No. 2010-03/Inyo County (Renewable Solar and Wind Energy); and adopting General Plan Amendment No. 2010-03/Inyo County (Renewable Solar and Wind Energy) with modifications as recommended by Staff. Motion carried unanimously.

Recess/  
Reconvene

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

CAO-Budget  
Update

The Board received a State Budget impact report from the County Administrator. Chief Probation Officer, Jeff Thomson, informed the Board of a pending shortfall in his department that was the result of a misunderstanding in how State revenues were reimbursed. He said that he has implemented a corrective action plan that should cover this year's shortfall and next year's budget will reflect the appropriate revenue. Ms. Randi Chegwidan, Budget Analyst, reported on the status of the Murder Trial Budget. Ms. Jean Turner, Director of Health and Human Services, provided budget information regarding the CMSP program.

HHS-Behavioral Hlth. Serv./Position Request	Moved by Supervisor Fortney and seconded by Supervisor Arcularius to A) approve the modified Progress House Manager job description and B) find that consistent with the adopted Authorized Position Review Policy: a) the availability of funding for the requested positions exists in the Mental Health Budget, as certified by the Director of Health and Human Services and concurred with by the County Administrator and Auditor-Controller; b) where internal candidates meet the qualifications for the positions of Progress House Manager and Health and Human Services Specialist, the vacancies could possibly be filled through an internal recruitment, but an open recruitment would be more appropriate to ensure a sufficient number of qualified candidates apply; and C) approve the hiring of one Progress House Manager, at Range 70 (\$4,138 through \$5,032) and in the event that the Manager position is filled by an internal candidate from Progress House, approve the hiring of one Health and Human Services Specialist at Range 53 (\$2,779 – \$3,380). Motion carried unanimously.
HHS-Behavioral Hlth. Serv./Position Request	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 positions exists in the Mental Health Budget, as certified by the Director of Health and Human Services, and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates meet the qualifications for the positions of Case Manager and Social Worker/Psychotherapist, the vacancies could possibly be filled through an internal recruitment, but an open recruitment would be more appropriate to ensure a sufficient number of qualified candidates apply; and C) approve the hiring of one Case Manager I or II at Range 57 (\$3,046 - \$3,701 or Range 60 (\$3,271 - \$3,973) contingent upon the qualifications of the applicants, and one Social Worker IV/Psychotherapist at Social Worker IV Range 69 (\$4,041 - \$4,904) or Psychotherapist at Range 78 (\$4,997 - \$6,074) contingent upon the qualifications of applicants. Motion carried unanimously.
Water Dept./DWP Annual Operations Plan	Inyo County Water Director, Dr. Bob Harrington, provided the Board with copies of DWP's Annual Operation Plan. Dr. Harrington explained that the County has ten days to respond to the Plan and that the Water Commission had provided its comments to the Board as a result of last night's Water Commission Meeting. He said that the Plan proposes to pump 91,000 acre feet from the Valley, the Water Department had recommended 81,300 acre feet to the Water Commission, which in turn had reduced that number to 70,010 acre feet. The Board and Dr. Harrington proceeded to review the pumping for each of the identified well fields, with the Board wondering why the Water Commission had consistently reduced the amount of water to be pumped from each of the well fields except the Taboose/Aberdeen area. Supervisor Fortney said that he believed the same criteria for reductions should be applied to the Taboose/Aberdeen area. The Board discussed the various recommendations concurring that in this record high runoff year it is the perfect time to reduce pumping values in order to allow the water tables to recharge. Big Pine Paiute Tribal Administrator, Mr. Gary Bacock, and Mr. Mark Bagley of the Owens Valley Committee and the Sierra Club, addressed the Board to urge the Board to accept the Water Commission's pumping recommendation. Moved by Supervisor Fortney, and it was seconded by the Chairperson, Supervisor Cash, who stepped out of protocol to provide the second, to accept the Water Commission's recommendation of 70,010 acre feet of water to be pumped with the further reduction in the Taboose/Aberdeen well field of 1,500 from 11,500 acre feet to 10,000 acre feet for a total amount of 68,510 acre feet. Motion carried on a four-to-one vote, with Supervisors Arcularius, Cash, Fortney and Cervantes voting yes and with Supervisor Pucci voting no.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 2:45 p.m., to reconvene in open session at 2:55 p.m., with all Board Members present.
Planning/D.V. Wilderness & Backcountry Plan	The Planning Director, Mr. Josh Hart, reviewed the staff report and recommendations regarding the Death Valley Wilderness and Backcountry Stewardship Plan. The Board expressed concern with newsletter format for release of the preliminary recommendations because it precluded the public input process, how "wilderness" is defined, which is very different from how the Wilderness Act of 1964 defines the word, what the term "beating hearts" actually means, the efforts to unnecessarily limit the group size, the unilateral closing of roads without Congressional designation, attempts to control adjacent land uses, the need to maximize motorized access, and that there is no need for fees to be charged. Supervisor Arcularius noted the email from one of her constituents, Jay Smart, who made a first hand report of seeing roads closed prior to the completion of the Plan. The Sheriff requested that the access for law enforcement also be included to allow for emergency access. Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to approve a letter, to be amended to incorporate today's discussion, regarding the Wilderness and Backcountry Stewardship Plan for Death Valley National Park Conceptual Alternatives Newsletter for the Plan and authorize the Chairperson to sign correspondence to the Park regarding the alternatives, amended to include in the alternatives the most access with the least amount of restrictions, utilizing the term "wilderness" as defined by the Wilderness Act of 1964, and the inclusion of emergency access.

D.A./Budget Amendment Motion carried unanimously. The County Administrator provided further information and detail regarding the District Attorney Budget Amendment that is presented at the direction of the Board from last week. He explained that this recommendation is a deceptively easy fix to a difficult and complex problem. The Board and the County Administrator discussed the ramifications of impending State budget actions that will eliminate and/or erode reimbursements for grant services. The County Administrator reiterated the need for Department Heads to follow the Budget Policy and notify the Board immediately upon learning of reductions in revenue streams in order to allow early flexibility in dealing with shortfalls and redirecting personnel as might be required. Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to amend the following FY 2010-11 budgets: (a) decrease revenues and expenditures in OES-SRVP Budget Unit 620910 to \$17,577; (b) decrease salaries and benefits expenses in the District Attorney Budget Unit 022400 by \$12,105; and (c) increase salaries and benefits expenses in District Attorney Safety Budget Unit 022410 by \$12,105. Motion carried unanimously.

BofS/Minute Approval Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve the minutes of the Board of Supervisors Meetings of A) April 12, 2011; and B) the Special Meeting of April 13, 2011. Motion carried unanimously.

Board Members and Staff Reports The Board Members reported on their activities during the preceding week, including the Lone Pine Easter Egg Hunt, and an upcoming LORP tour and Friends of the Museum BBQ.

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 4:20 p.m., to convene in closed session, with all Board Members present, to discuss and take action as appropriate on Agenda Items No. 15. **PERSONNEL [PURSUANT TO GOVERNMENT CODE §54957]** - Public Employee Appointment - Title: Director Public Works; No. 16. **PERSONNEL [PURSUANT TO GOVERNMENT CODE §54957]** - Public Employee Performance Evaluation - Title: Director Public Works; No. 17. **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. 18. **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. 19. **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. 20. **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. Supervisor Cervantes excused himself from closed session at 5:20 p.m.

Report on Closed Session The Chairperson recessed closed session at 6:15 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 regular meeting at 6:15 p.m., to 9:00 a.m., Tuesday, May 3, 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*