

MINUTES

County of Inyo Board of Supervisors

July 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 Tuesday, July 19, 2011, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Vice Chairperson Marty Fortney presiding as Chairperson, Linda Arcularius, Rick Pucci, and Richard Cervantes. Supervisor Cash was absent. Supervisor Cervantes provided the Invocation, and Supervisor Arcularius 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. Mr. Chuck Hamilton, Deputy County Administrator, reported on the public input regarding the increased fees at the landfills. He said that the majority of comments have been positive and only a few negative comments had been received regarding the fact that the County is now charging for green waste. Mr. Hamilton explained that fees for green waste are being charged because the waste has to be handled by staff. The Water Director, Dr. Bob Harrington, reported on the Technical Group Meeting. He explained that the meeting had been rescheduled because the County had two attorneys, County Counsel Randy Keller, and Greg James, Esq., in the audience and the DWP representatives did not feel comfortable talking without having their legal counsel also in attendance. Ms. Jean Turner, Director of Health and Human Services, provided an updated budget report. Mr. Josh Hart, Planning Director, reported on the State redistricting efforts. Mr. Doug Wilson, Interim Public Works Director, reported on potential legislation that could impact the County's ability to use staff (force account) for certain projects. Mr. Jon Klusmire, Manager of Museum Services, provided the Board with a copy of this year's Visitor's Guide.
- Introduction** The Assessor, Mr. Tom Lanshaw, introduced Mr. Jason Chien, a new Appraiser in the Assessors Office to the Board.
- CAO-Budget Update** The County Administrator updated the Board on State budget activities, including the impacts as a result of AB 109 implementation.
- Emerg. Serv./Oak Creek Mud Flows** Moved by Supervisor Arcularius and seconded by Supervisor Pucci to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously, with Supervisor Cash absent.
- Integ. Waste/Roll-Off Bins P. O.** Moved by Supervisor Arcularius and seconded by Supervisor Pucci to award the bid for and approve the purchase of three 24' x 4' recycling roll-off bins, from Stockton Tri Industries, Inc., in an amount not to exceed \$13,063.44. Motion carried unanimously, with Supervisor Cash absent.
- Integ. Waste/Blanket P.O.'s** Moved by Supervisor Arcularius and seconded by Supervisor Pucci to approve blanket purchase orders to the following vendors in the amounts indicated for the operation and maintenance of landfill equipment: A) \$13,000 to Mission Linen; B) \$18,000 to Dave's Auto Parts; C) \$10,500 to Cal Fire; D) \$16,000 for Britt's Diesel; and E) \$10,500 to Quinn. Motion carried unanimously, with Supervisor Cash absent.
- Motor Pool/Blanket P.O.'s** Moved by Supervisor Arcularius and seconded by Supervisor Pucci to approve blanket purchase orders to the following vendors in the amounts indicated for vehicle maintenance parts and tires: A) \$20,000 to Bishop Automotive Center; B) \$15,000 to Eastern Sierra Motors; C) \$15,000 to Mr. K's Automotive; and D) \$35,000 to Warren's Auto Repair. Motion carried unanimously, with Supervisor Cash absent.

Clerk-Recorder/ AtPac Annual Payment	Moved by Supervisor Arcularius and seconded by Supervisor Pucci to ratify the payment to AtPac for the annual CRiis™ Software License Maintenance and Support Fee, in the amount of \$10,800, contingent upon the Board's adoption of a FY 2011-12 Budget. Motion carried unanimously, with Supervisor Cash absent.
Planning/LAFCO Contract	Moved by Supervisor Arcularius and seconded by Supervisor Pucci to approve the Contract between the County of Inyo and Inyo LAFCO, directing the Planning Director to provide staff services as outlined in the Contract, in the amount of \$6,112, for the period of July 1, 2011 through June 30, 2012, contingent upon the Board's adoption of a FY 2011-12 Budget; and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Cash absent.
P.W./Tri-State Surveying Contract Amendment	Moved by Supervisor Arcularius and seconded by Supervisor Pucci to approve Amendment No. 7 to the Contract between the County of Inyo and Tri-State Surveying Ltd., for the provision of County Surveyor services, increasing the amount of the Contract by \$20,000 to an amount not to exceed \$120,000, contingent upon the Board's adoption of a FY 2011-12 Budget; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously, with Supervisor Cash absent.
Resol. #2011-24/ Courthouse Complex Re-Roof Completion	On a motion by Supervisor Arcularius and a second by Supervisor Pucci, Resolution No. 2011-24 was approved, accepting the improvements and authorizing the recording of a Notice of Completion for the Inyo County Courthouse Complex Re-roofing Project: motion unanimously passed and adopted, with Supervisor Cash absent.
Resol. #2011-25/ Riverside Bridge Project Completion	On a motion by Supervisor Arcularius and a second by Supervisor Pucci, Resolution No. 2011-25 was approved, accepting the improvements and authorizing the recording of a Notice of Completion for the Riverside Road Bridge Replacement Project: motion unanimously passed and adopted, with Supervisor Cash absent.
P.W./Waiver of Permits Fees for Big Pine Center Fire	The Interim Public Works Director, Mr. Doug Wilson, explained that there had been requests from several people impacted by the Big Pine Center Fire, regarding the County's waiver of building fees for replacement of damaged structures. Supervisor Fortney asked if this waiver should be authorized by the Board, would it be applicable to the on-going Oak Creek Mud Flows disaster victims, where people also had to replace damaged or lost structures. The Board and staff discussed the pros and cons of offering this waiver. Supervisor Arcularius noted that the person she had spoken with had expressed a desire to have the County waive the Building Code requirements and not just the fees. Mr. Wilson explained why waiving those requirements was not a good idea and was probably not legal. Supervisor Fortney noted that many of the structures damaged and/or destroyed in the fire were mobile homes which would not benefit from this waiver because mobile home permitting is done by the State. The Board noted that the County had waived the disposal fees for the debris generated from the fire, similar to other County emergencies. The Board and staff continued to discuss the issue, including, the subjective nature of the term "with improvements substantially in kind," and the possibility of developing a blanket policy for emergencies. The Board took no action on the request to waive the building permit fees for replacement of improvements destroyed in the March 18, 2011, Center Fire in Big Pine with improvements substantially in kind.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 10:25 a.m., to reconvene in open session at 10:35 a.m., with all Board Members present, except Supervisor Cash.
P.W. Gill Stat/Coso Road STIP Amendment	The Interim Public Works Director, Mr. Doug Wilson, explained that Gill Station Road has been in the STIP Program cycle for many years, without the project being funded. He explained that STIP funds are better suited for reconstruction of roads vs. 1B funding which is better suited to road rehabilitation. Mr. Wilson said that Gill Station Road has been scheduled for reconstruction, but because of the numerous and intricate environmental issues associated with reconstruction, Caltrans continues to push the STIP project back. He said that by reprogramming the project to use 1B funds, the County could rehabilitate the existing roadway that is in serious need of repair. Supervisor Cervantes expressed his dissatisfaction with Gill Station Road being re-programmed yet again; explaining that he felt the road should be a priority. Supervisor Arcularius said that she wanted to support Supervisor Cervantes' wishing regarding the road being repaired, reiterating that it was CalTRANS and not the County that was responsible for the continued delays in the STIP project and that by moving the project out of STIP Programming and onto the 1B project list, the County would have control in having the road rehabilitated much sooner. It was also noted that even if the Road was funded in STIP, the project was not scheduled to begin for several years. Mr.

Wilson explained that if the Road was put on the 1B list, it was targeted to be completed in 2012. Supervisor Fortney requested that if this item is approved and the road is to be rehabilitated that the pot holes on Gill Station Road be repaired as the priority. Supervisor Cervantes reiterated his position that Gill Station/Coso Road not be replaced on the STIP list with a Bishop Project. The remaining Board Members expressed a desire to see the Road repaired as soon as possible. Moved by Supervisor Pucci and seconded by Supervisor Arcularius to A) authorize the submittal of a State Transportation Improvement Program (STIP) amendment to transfer funds from the Gill Station/Coso Road project to the West Bishop Rehabilitation Project; and B) authorize the Public Works Director to withdraw the amendment request if deemed necessary. Motion carried on a three-to-one vote with Supervisors Arcularius, Pucci and Fortney voting yes, with Supervisor Cervantes voting no, and with Supervisor Cash absent.

CAO-Adv. Co. Resc./Comm. Sponsorship Grant Payments
Moved by Supervisor Arcularius and seconded by Supervisor Pucci to approve the payments to the following for Community Project Sponsorship Grant Projects: A) \$4,250 to the Inyo Council for the Arts for completing the "Inyo Frame" artists and photographer promotional campaign; and B) to the Bishop Area Chamber of Commerce and Visitors Bureau, \$5,000 for helping host the 2011 California High School Rodeo Association State Finals Rodeo, \$3,650 for completing the Winter Classic Trout Derby, and \$1,700 for completing the 2011 Rainbow Days Trout Festival. Motion carried on a three-to-one vote, with Supervisors Arcularius, Pucci, and Fortney voting yes, with Supervisor Cervantes voting no, and with Supervisor Cash absent.

Water/IRWMP Management Group Meeting Agenda
The Water Director, Dr. Bob Harrington, discussed those items on the Agenda for the July 27, 2011 Regional Water Management Group meeting for the Inyo-Mono Integrated Regional Water Management Plan (IRWMP), including decisions on Item #5a – Approval of criteria for small water systems needs assessments, with the Department recommendation that systems known to be out of compliance with drinking water quality standards should be given priority; and Item #10 – approval of the minutes for the June 15, RWMG meeting. The Board agreed with Dr. Harrington's recommendations regarding those items discussed.

Probation/ Proclamation
The Chief Probation Officer, Jeff Thomson, provided further information regarding the outstanding efforts of the probation and parole officers. Moved by Supervisor Arcularius and seconded by Supervisor Pucci to approve a proclamation declaring July 17 through 23, 2011 as Probation, Parole and Community Supervision Week in Inyo County. Motion carried unanimously, with Supervisor Cash absent.

BofS/Minute Approval
Moved by Supervisor Cervantes and seconded by Supervisor Pucci to approve the minutes of A) June 28, 2011 and B) July 5, 2011. Motion carried unanimously, with Supervisor Cash absent.

Recess/ Reconvene
The Chairperson recessed the regular meeting at 11:30 a.m., to reconvene in open session at 10:35 a.m., with all Board Members present, except Supervisor Cash.

Resol. #2011-26/ Approving Current Supervisorial District Boundaries
The Chairperson opened the public hearing at 11:35 a.m., regarding a resolution titled "A Resolution of the Board of Supervisors of the County of Inyo, Approving the Current Supervisorial District Boundaries as Described in Chapter 1.12 of the Inyo County Code Pursuant to Section 21500.1 of the California Elections Code and a proposed ordinance titled "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Replacing Section 1.121.020 of Chapter 1.12 of the Inyo County Code, in Inyo County California. The Planning Director, Mr. Josh Hart, reviewed the staff report and recommendations. He explained that the 2010 Census data reflects the district populations to be within the threshold that does not require redistricting. There was no one from the public wishing to address this issue. The Chairperson closed the public hearing at 11:36 a.m. On a motion by Supervisor Arcularius and a second by Supervisor Cervantes, Resolution No. 2011-26 titled "A Resolution of the Board of Supervisors of the County of Inyo, Approving the Current Supervisorial District Boundaries as Described in Chapter 1.12 of the Inyo County Code Pursuant to Section 21500.1 of the California Elections Code," was approved: motion unanimously passed and adopted, with Supervisor Cash absent. Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to waive the first reading of the ordinance and schedule the enactment for 11:30 a.m., Tuesday, July 26, 2011, in the Board of Supervisors Room, at the County Administrative Center, in Independence. Motion carried unanimously, with Supervisor Cash absent.

Board Members and Staff Reports
The Board Members reported on their activities during the preceding week, including the Great Basin Unified Air Pollution Control District Meeting, an ESTA Meeting, various constituent meetings, and a conference call with Nye County regarding transmission routes. CAO reported that CLM is helping with the Death Valley School water system costs.

Recess/ Reconvene	The Chairperson recessed the regular meeting at 12:00 p.m., to reconvene in open session at 1:00 p.m., with all Board Members present, except Supervisor Cash.
CAO-Gen/ESTA Line of Credit	The County Administrator provided further information regarding the request from the Eastern Sierra Transit Authority for a \$25,000 line of credit. Mr. Carunchio explained that in the past the County has considered this request after the adoption of the County Budget and recommended that the Board do the same this year. The Board concurred with the County Administrator and asked that the request by the Eastern Sierra Transit Authority for the County's continued participation in helping to fund a line of credit for the Eastern Sierra Transit Authority in a minimum amount of \$25,000, be agendized after the Board adopts the FY 2011-12 County Budget.
Fish & Wildlife/ Support for Dick Noles	Moved by Supervisor Arcularius and seconded by Supervisor Pucci to support Mr. Dick Noles' efforts to change the fishing regulations at Lower Rush Creek, from Highway 395 to Mono Lake from "catch and release" to a two-trout harvest ("Catch and Keep" with bait). Motion carried unanimously, with Supervisor Cash absent.
Resol. #2011-27/ Arts Council Partner Designation	On a motion by Supervisor Pucci and a second by Supervisor Arcularius, Resolution No. 2011-27 titled "A Resolution of the Board of Supervisors, County of Inyo, State of California, Designating Inyo Council for the Arts, as the County's Partner to the California Arts Council," is approved: motion unanimously passed and adopted, with Supervisor Cash absent.
Closed Session	The Chairperson recessed open session at 1:07 p.m., to convene closed session, with all Board Members present, except Supervisor Cash to discuss and take action as appropriate on Agenda Items No. 26. 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. 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; No. 28. 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: Director Child Support Services Susanne Rizo and Labor Relations Administrator Sue Dishion; No. 29. CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code § 54957.6]. – Instructions to Negotiators re: wages, salaries and benefits – Employee Organization: Law Enforcement Administrators' Association (LEAA) – Negotiators: CAO Kevin Carunchio and Labor Relations Administrator Sue Dishion; No. 30. PERSONNEL [PURSUANT TO GOVERNMENT CODE §54957] - Public Employee Appointment - Title: Director Public Works; No. 31. PERSONNEL [PURSUANT TO GOVERNMENT CODE §54957] - Public Employee Performance Evaluation - Title: Director Public Works; No. 32. PERSONNEL [PURSUANT TO GOVERNMENT CODE §54957] - Public Employee Performance Evaluation - Title: Director of Health and Human Services; No. 33. REAL PROPERTY NEGOTIATIONS - CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Pursuant to Government Code §54956.8) – Property – APN022-070-06, Independence, California – Negotiating Parties – County Administrator and State of California – Negotiations – Terms and Conditions; No. 34. REAL PROPERTY NEGOTIATIONS - CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Pursuant to Government Code §54956.8) – Property – APN010-490-08, Bishop, California – Negotiating Parties – County Administrator and Joseph Enterprises – Negotiations – Terms and Conditions No. 35. REAL PROPERTY NEGOTIATIONS - CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Pursuant to Government Code §54956.8) – Property – APN008-240-01, Bishop, California – Negotiating Parties – County Administrator and Mitchell Asset Group – Negotiations – Terms and Conditions; and No. 36. REAL PROPERTY NEGOTIATIONS - CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Pursuant to Government Code §54956.8) – Property – S.E. 1.07 acres of APN002-133-02, Independence, California (Jail and Road Yard) – Negotiating Parties – County Administrator and Director of Public Works and Administrative Offices of the Courts (AOC) – Negotiations – Terms and Conditions of Potential Lease. The Chairperson recessed closed session at 2:00 p.m., to reconvene in open session, with all Board Members present, except Supervisor Cash.

Planning/Schneider
Appeal of Planning
Commission
Decision re: Coso
HMMP

The Chairperson opened the public hearing at 2:00 p.m., to consider the appeal, per Inyo County Code 18.81.030, by Mr. Thomas Schneider of the Planning Commission's decision to deny Mr. Schneider's appeal of the Water Department's decision to approve an Addendum to the Hydrologic Mitigation Monitoring Plan (HMMP). The Planning Director, Mr. Josh Hart, reviewed the Staff Report and recommendations. He summarized the issues and at the conclusion of his remarks asked that the Staff Report and all of the attachments, including the information provided by the Appellant, be entered into the record and it was Marked Exhibit A. Dr. Bob Harrington, Inyo County Water Director, addressed the specific technical issues identified. Mr. Hart went on to address the environmental issues identified. Mr. Schneider, the Appellant, addressed the Board to verbally reiterate his reasons why the Addendum to the Hydrologic Mitigation Monitoring Plan (HMMP) should not have been approved by the Water Department nor upheld by the Planning Commission. Ms. Charity Schiller, representing Coso Geothermal, addressed the Board to provide comment on why the Addendum to the HMMP was appropriate and should have been approved. Mr. Schneider rebutted the comments made by Ms. Schiller. Mr. Dave Tanksley of Bishop, addressed the Board to support the Water Director's decision regarding the Addendum to the HMMP and to support the Board's denial of the appeal. There was no one else wishing to address this issue and the Chairperson closed the public hearing at 2:50 p.m. The Board discussed the information provided.

Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to make the following findings and deny Appeal No. 2011-02 (Schneider):

- 1) find the Appellant, Mr. Thomas Schneider failed to provide the Water Department lacked adequate evidence to support its approval of the Addendum to Hydrologic Mitigation Monitoring Plan (HMMP);
- 2) find the Water Department did not err in approving the Addendum to the HMMP because there is adequate evidence in the record to support the Water Department's approval of the Addendum to the HMMP; and
- 3) find based on applicable law and upon the information presented on pages 17-20 of the report from staff to the Planning Commission (Exhibit B), under the California Environmental Quality Act (CEQA) no subsequent environmental documentation of the project is required because
 - (i) the approval of the Addendum to the HMMP is not a substantial change to the project which results in new significant impacts or a substantial increase in the severity of previously identified significant impacts;
 - (ii) no substantial changes have occurred with respect to the circumstances under which the project is being undertaken which require major revisions to the project Environmental Impact Report (EIR); and no new information of substantial importance now exists, which was not known and could not have been known with the exercise of reasonable diligence at the time of the previous EIR, which shows any of the following:
 - (a) one or more significant effects not discussed previously;
 - (b) significant effects previously examined will be substantially more severe;
 - (c) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, or
 - (d) mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment.

Motion carried unanimously, with Supervisor Cash absent.

Public Comment

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

Closed Session

The Chairperson recessed open session at 3:10 p.m., to reconvene in closed session at 3:15 p.m., with all Board Members present, except Supervisor Cash, to continue discussions on the previously identified closed session items.

Report on Closed
Session

The Chairperson recessed closed session at 5:45 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 5:45 p.m., to 9:00 a.m., Tuesday, July 26, 2011, in the Board of Supervisors Room, at the County Administrative Center, in Independence.

Chairperson, Inyo County Board of Supervisor

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

by: _____
Patricia Gunsolley, Assistant