

MINUTES

County of Inyo Board of Supervisors

August 9, 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, August 9, 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 Arcularius provided the Invocation, and Supervisor Cervantes led the Pledge of Allegiance.

- Public Comment** The Chairperson announced the public comment period. Mr. Rick Phelps of the High Sierra Energy Foundation, updated the Board on the Foundation's projects. Supervisor Arcularius explained that because Mr. Phelps was making the presentation during public comment the Board was precluded from discussing what was being reported on. She requested that Mr. Phelps return with a future agenda item to provide the Board the opportunity to discuss issues with Mr. Phelps and also to provide an update on the Foundation's organizational structure. Supervisor Cervantes reported on local Scouting efforts.
- County Department Reports** The Chairperson announced the County Department report period. Mr. Jeff Ahlstrom, Managing Landfill Engineer, reported on the public input received regarding the price increases at the County's landfills since the last report. Mr. Doug Wilson, Interim Public Works Director, reported that with the Federal budget adoption the County has been notified that FAA funding is now back on track. Mr. George Milovich, Agricultural Commissioner, updated the Board on mosquito abatement efforts in the various communities.
- CAO-Budget/State Budget Update** The County Administrator explained that there is no new information to be reported on regarding State Budget impacts. He said it's a wait and see situation with regard to how State revenues are realized. As a result of an inquiry from Mr. Carunchio, the Board indicated that this section of the agenda was no longer required.
- 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.
- Sheriff/Rims Annual Report** Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve paying Sun Ridge Systems, Inc., \$18,750, for the Rims Annual Support Services for the period of July 1, 2011 through June 30, 2012, contingent upon the Board's adoption of a FY 2011-12 Budget. Motion carried unanimously.
- Public Works/Bishop Landfill Gate House Contract** Mr. Jeff Ahlstrom, Managing Landfill Engineer, provided additional information and further explanation for the request to contract for the construction of a new gatehouse at the Bishop-Sunland Landfill. In response to a question from Supervisor Arcularius, Mr. Ahlstrom explained that the modular unit which had been donated for the gatehouse was now being considered for Sheriff's storage or possibly for the Animal Shelter. Moved by Supervisor Fortney and seconded by Supervisor Arcularius to award the bid and approve the Contract for the Bishop-Sunland Landfill Gatehouse Project to OzzCorp Builders, Inc., in the amount of \$75,000, contingent upon the Board's adoption of a FY 2011-12 Budget; authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained; and authorize the Interim Public Works Director to sign all other Contract documents, including change orders, to the extent permitted pursuant to Section 20142 of the Public Contract Code and other applicable law. Motion carried unanimously.
- Ag Comm.-Water Dept./SNC Guidelines Update** The Agricultural Commissioner and Water Director, provided information and explanation on the Sierra Nevada Conservancy's Draft Grant Guidelines for FY 2011-12. They explained how changes in the guidelines might negatively impact future phases of the LORP Recreational Use Plan, as well as other projects that might be submitted from Inyo County. Supervisor Arcularius asked that a comment letter be written memorializing issues identified in the ARF and during the discussion to be submitted for the Chairperson's signature.

Water Dept./LORP Work Plan & Budget	The Board Members and Dr. Bob Harrington, Inyo County Water Director, discussed the FY 2011-12 LORP Work Plan and budget. Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to adopt the Amendment to the 2011-2012 Fiscal Year Lower Owens River Project Work Plan and Budget. Motion carried unanimously.
Water Dept./Owens Lake Ground Water Collection of Data	The request by the County Administrator, County Counsel and the Water Director, for the Board to authorize the CAO to sign an agreement with the City of Los Angeles Department of Water and Power concerning collection of data relating to Owens Lake groundwater, was pulled from consideration at the request of the submitting departments.
County Counsel/ Liebert Cassidy Contract	Moved by Supervisor Pucci and seconded by Supervisor Arcularius to ratify the Contract between the County of Inyo and Liebert Cassidy Whitmore for the provision of legal services in the area of general labor and employment advice and representation for the period of July 1, 2011 through June 30, 2012, in an amount not to exceed \$20,000, contingent upon the Board's adoption of a FY 2011-12 Budget; and authorize the Chairperson to sign. Motion carried unanimously.
Planning/NOI for EIS for Naval Weapons Land Withdrawal	Mr. Josh Hart, Planning Director, explained that the Naval Weapons Center is required to follow the land withdrawal process every 20 years, thus the request for comment on the environmental documentation relating to the most recent notice of land withdrawal. Mr. Kevin Carunchio, County Administrator, shared his thoughts on the land withdrawal, explaining that in addition to the land being withdrawn, there is also airspace that is being controlled as a part of the Navy's operations in Inyo County. Mr. Carunchio said that the government's airspace limitations in Inyo County is staggering with as much as 90% of the airspace being restricted. Moved by Supervisor Cervantes and seconded by Supervisor Fortney to approve and authorize the Chairperson to sign the correspondence to the Department of Navy. Motion carried unanimously.
Planning/BLM Recommendations for Wilderness Designations	The Board and the Planning Director reviewed the letter responding to the Acting BLM California State Director's request regarding the Secretary of the Interior's proposal to Congress for further wilderness designations. The Board talked about the County's Wilderness Resolution which sets forth the conditions that need to be met before the County considers wilderness designations. The Board talked about updating the Resolution, and rather than delaying its response to Mr. Abbott's request, asked Mr. Hart to bring back an updated version of the Resolution for the Board's consideration sometime in the future. Moved by Supervisor Fortney and seconded by Supervisor Arcularius to approve and authorize the Chairperson to sign correspondence responding to Mr. Abbott's correspondence concerning further wilderness designation recommendations to be made by the Secretary of the Interior to Congress. Motion carried unanimously.
BofS/Minute Approval	Moved by Supervisor Fortney and seconded by Supervisor Cervantes to approve the minutes of the July 26, 2011 Board of Supervisors Meeting. Motion carried unanimously.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 10:05 a.m., to reconvene in a workshop at 10:15 a.m., with all Board Members present.
Planning/Workshop on Zoning Code Update	The Board convened in a workshop with Planning Staff to provide input to staff and the Planning Commission on draft sections of the updated Zoning Code. The Chairperson recessed the workshop at 10:45 a.m., to reconvene in open session.
Board Members and Staff Reports	The Board Members reported on their activities during the preceding week, including a Bishop Tribal Meeting, a Bishop Airport tour, a Digital 395 meeting, and an Inyo First Five Meeting.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 10:55 a.m., to reconvene in open session at 11:00 a.m., with all Board Members present.
Planning/Brownfields Assessment Grant MOA	Nye County Commissioner Ms. Joni Eastley addressed the Board. Commissioner Eastley introduced Ms. Pam Webster, Nye County's Assistant CAO and Comptroller to the Board. The Board and Commissioner Eastley discussed the work that will be accomplished with the grant funds to promote renewable energy projects in the member counties. The Board thanked Commissioner Eastley for her leadership in this effort and for the presentation.

Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve the Memorandum of Agreement (MOA) with Nye, Esmeralda, Lincoln and White Pine counties of Nevada for the Environmental Protection Agency (EPA) Brownfields Coalition Assessment Grant to conduct environmental site assessments and area-wide planning in support of renewable energy, transmission and economic development in the vicinity of identified Brownfields sites; and authorize the Chairperson to sign. Motion carried unanimously.

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

P.W./Public Hearing
on Ordinance Setting
the Price of Aviation
Fuel Sold and Ramp
Fees Charged at
Eastern Sierra
Regional Airport The Chairperson opened the public hearing on an ordinance titled "An ordinance of the Board of Supervisors of the County of Inyo, State of California, Establishing a Formula for Setting the Price of Aviation Fuel Sold at the Eastern Sierra Regional Airport, Establishing Transient Commercial Operator Ramp Fees to be Charged at the Eastern Sierra Regional Airport, and Repealing Inyo County Ordinance No. 1075." Mr. Doug Wilson, Interim Public Works Director, reviewed the staff report and recommendations. County Counsel noticed a clerical correction in that the \$300 per month referenced on page two should be eight times the single occurrence rate per type of service. There was no one from the public wishing to address this ordinance and the Chairperson closed the public hearing at 11:40 a.m. Moved by Supervisor Pucci and seconded by Supervisor Cervantes to waive the first reading of the ordinance that establishes a formula for setting the price of aviation fuel sold, establishing transient commercial operator ramp fees to be charged at the Eastern Sierra Regional Airport, and repealing ordinance No. 1075, and schedule the enactment for August 16, 2011, at 11:30 a.m., in the Board of Supervisors Room, at the County Administrative Center, in Independence. Motion carried unanimously.

P.W./Public Hearing
on Ordinance
Increasing Hanger
Rent, Tie- Down and
Parking Fees at
County Airports The Chairperson opened the public hearing at 11:41 a.m., on an ordinance titled "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Repealing Inyo County Ordinance No. 1092 and Increasing Hangar Rent and Tie-Down Fees and Parking Fees at County Airports." The Interim Public Works Director, Mr. Doug Wilson, reviewed the staff report and recommendations. There was a clerical correction noted by Supervisor Cash, who requested that the yearly increase be changed to 3%. The Board and staff continued to discuss the proposed increases, with Supervisor Fortney requesting clarification on the issue of the increases being countywide, instead of just at the Bishop Airport which is what the Board believed was the case after the workshop. Mr. Wilson confirmed that during the workshop this ordinance had been discussed as countywide, but because of the audience participation it may have been perceived that it was only at the Bishop Airport, and that the Southern Inyo Airport Advisory Committee had not reviewed nor made a recommendation regarding the proposed changes. Mr. Wilson explained that there are no hangers at the Tecopa/Shoshone Airport, that the Lone Pine Airport is not applicable because of the FBO, and there are only two hangers at the Independence Airport. The Assistant Clerk confirmed that the ordinance was noticed as countywide. Supervisor Fortney explained that he would like to have the Southern Inyo Airport Advisory Committee's input on this ordinance prior to a decision being made because the Independence Airport is affected by the changes. Mr. Mike Barns, Independence Resident and Hanger Tenant, addressed the Board to support the increases at the Bishop Airport, but to oppose the increases at the Independence Airport. He said that the amenities at the Bishop Airport significantly exceed those at the Independence Airport and suggested that if the hanger rental rates were to increase at the Independence Airport that improvements to the infrastructure and services be made as well. The Board concurred that they would like to have the Southern Inyo Airport Advisory Board's recommendations prior to taking action on this item. At 12:15 p.m., it was moved by Supervisor Fortney and seconded by Supervisor Cervantes to continue the hearing on and the first reading of an ordinance titled "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Repealing Inyo County Ordinance No. 1092 and Increasing Hangar Rent and Tie-Down Fees and Parking Fees at County Airports, " to 11:00 a.m., on Tuesday, September 13, 2011, in the Board of Supervisors Room, in Independence. Motion carried unanimously.

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

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

Closed Session The Board met in closed session to discuss and take action as appropriate on Agenda Items No. 19. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(a)]** – *Center for Biological Diversity, et. al., v. Inyo County Board of Supervisors*, Inyo County Superior Court Case No. SICVPT 11-52154; 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: CAO Kevin Carunchio and Labor Relations Administrator Sue Dishion; and No. 21. **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.

Report on Closed Session The Chairperson recessed closed session at 2:50 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 2:50 p.m., to 9:00 a.m., Tuesday August 16, 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