



# County of Inyo Board of Supervisors

**September 13, 2011**

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of a.m., on, 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 Supervisor Fortney led the Pledge of Allegiance.

**Public Comment** The Chairperson announced the public comment period. Mr. Bruce Cotton, Lone Pine Resident, addressed the Board to publicly thank all of the community members and organizations who helped to erect a water aerobics pool at his home to help him with his physical therapy which is needed as a result of injuries he sustained while serving in Vietnam. Mr. Cotton went on to recommend the Board support the idea of the formation of a separate State called South California.

**County Dept. Reports** The Chairperson announced the County Department Report period. Ms. Jean Turner, Director of Health and Human Services, provided information requested during yesterday's budget hearings. She explained that in Tobacco Budget travel expense the increase over last year is due to three mandatory trainings which were not required last year and that the General Relief budget numbers were correct and that the error was in the Narrative. Ms. Turner also reported that the ordinance to request fee increases in the Drinking Driver Program is being developed. She reported that the Department has been notified by Toiyabe Health Center that effective October 1, 2011 they will not be participating in the IMAAA Meals Program. Ms. Turner informed the Board that she would provide a report at a later date on the impacts to the IMAAA Budget as a result of this reduction in services. Ms. Turner reported (a) that the results of State audits in the MediCal Program which was error free and the CMSP that at a 5% error rate which qualified the County for an increase in its CMSP allocation, (b) on the automation of the Welfare Program; (c) the adoption program that is administered by Kern County; and (d) on meetings concerning the States Merit System. Ms. Turner in regard to a Consent Item to declare September National Recovery Month commended and honored all of those individuals that are recovering from addictions, noting how difficult that is. Mr. Doug Wilson, Interim Public Works Director, reported on a public meeting he had attended on the Independence Sewer System. He said that the rates are being increased incrementally over the next six years, with the Juvenile Hall rates increasing 4.4% the first year to 13.3% in the sixth year; the Jail will increase 3.9% the first year to 54.18% in the sixth year, explaining that these increases will significantly increase facilities budgets. Mr. Wilson went on to notify the Board of a situation concerning traffic ingress and egress at the Highlands Mobile Home Park. Dr. Harrington, Inyo County Water Director, reported on changes to the Groundwater Monitoring Program that provides alternatives for reporting and monitoring certain basins. Ms. Susanne Rizo, Director of Child Support Services, reported on Mammoth office schedules; work with the VSO, issues she has pertaining to the State Merit System and her willingness to work with Ms. Turner on this.

**Sheriff/Position Request** Moved by Supervisor Arcularius and seconded by Supervisor Pucci to A) approve the job description for Assistant to the Sheriff, at Range 70; and B) 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 the Sheriff, and concurred with by the County Administrator and the Auditor-Controller; (b) where internal candidates meet the qualifications for the position, the vacancy could possibly be filled through an internal recruitment; (c) authorize the hiring of one Administrative Assistant to the Sheriff at Range 70 (\$4,138 – \$5,032); and (d) should the closed county recruitment not result in a qualified candidate, authorize an open recruitment for the position, contingent upon the Board's adoption of a FY 2011-12 budget. Motion carried unanimously.

**Emerg. Serv./Oak Creek Mud Flow** Moved by Supervisor Fortney and seconded by Supervisor Pucci to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.

D.S./Victim Witness Program Grant	Moved by Supervisor Fortney and seconded by Supervisor Pucci to accept the Inyo County Victim Witness Assistance Program Grant from the California Emergency Management Agency (Cal-EMA) for FY 2011-12 and authorize the District Attorney to sign documentation to accept and utilize the grant. Motion carried unanimously.
HHS-Tobacco/ National Recovery Month	Moved by Supervisor Fortney and seconded by Supervisor Pucci to approve a proclamation declaring September 2011 as National Recovery Month in Inyo County. Motion carried unanimously.
Child Support Serv/ Oversight Comm. Appointment	Ms. Susanne Rizo, Director of Child Support Services, explained that a part of the MOU for the development of an Eastern Sierra Child Support Region required that each of the counties appoint one of its Board Members to the Oversight Committee. Supervisor Cervantes volunteered to represent the Board of Supervisors. Moved by Supervisor Arcularius and seconded by Supervisor Pucci to appoint Supervisor Richard Cervantes to represent the Inyo County Board of Supervisors on the Eastern Sierra Regional Department of Child Support Services Regional Oversight Committee in accordance with paragraph "C" of the Memorandum of Understanding for the development of the Eastern Sierra Child Support Region. Motion carried unanimously.
HHS-Position Request	Moved by Supervisor Arcularius and seconded by Supervisor Fortney to authorize the Department to extend the temporary employment status of one HHS Specialist at Range 053PT (\$14.89 per hour) for a period not to exceed six months. Motion carried unanimously.
CAO-Adv. Co. Resc./Laws Concert	Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve payment for a Community Project Sponsorship Grant Project to the Bishop Museum and Historical Society in the amount of \$1,250 for its Fourth Annual Benefit Concert. Motion carried unanimously.
Grand Jury/County's Response to 2010- 11 Report	The County Administrator provided additional information and further comment on the proposed response to the FY 2010-11 Grand Jury Report. Supervisor Cash thanked the County Administrator for the personnel response, noting that the County continues to strive for consistency in its treatment of employees. Supervisor Arcularius noted that the response reflects that there are checks and balances in place to help ensure that consistency. Moved by Supervisor Fortney and seconded by Supervisor Arcularius to approve the report to Judge Brian Lamb, Presiding Judge, Inyo County Superior Court, responding to the findings and recommendations in the 2010-11 Grand Jury Final Report; and authorize the County Administrator to sign the transmittal letter. Motion carried unanimously.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 10:05 a.m., to reconvene at 10:15 a.m., in open session, with all Board Members present.
Water/Owens Lake Groundwater Collection Data Contract	Dr. Bob Harrington, Director of Inyo County Water Department provided additional information and further justification for the contract with DWP for the collection of data relating to the Owens Lake Groundwater. Moved by Supervisor Cervantes and seconded by Supervisor Fortney to approve the Agreement with the City of Los Angeles Department of Water and Power concerning collection of data relating to Owens Lake Groundwater; and authorize the County Administrator to sign. Motion carried unanimously.
BofS/Join with Lake County re: Quagga and Zebra Mussels	Supervisor Cash explained that she had received the request from Lake County Supervisor Anthony Farrington requesting Inyo County join with Lake County adopting a resolution to ask the Governor to take steps to contain and prevent further contamination of the Quagga and Zebra mussels. The Board talked about the Lake County Resolution, with Board Members noting those areas that don't apply to Inyo County or that might pass costs for the control down to the County's. The Board talked about the devastation that is caused by the Quagga and Zebra mussel infestations, as well as the measures that are already in place in Inyo County to address contamination. The consensus of the Board was that they were not in support of a resolution but did direct Staff to draft a letter to the Governor addressing the County's concern with potential Quagga and Zebra Mussels contamination and calling for the development of State and Federal strategies for containment and prevention of further Quagga and Zebra mussel contamination.

Board Members and Staff Reports The Board Members reported on their activities during the preceding week including a Southern Inyo Hospital benefit, a tour of the Coyote area, Strategic Visioning Committee Meeting, an Air Resources Board Meeting, the Standing Committee Meeting, information on SRA Fees legislation, a Sierra Nevada Conservancy Meeting, a CSAC Meeting, and information on the upcoming Leadership Conference.

Recess/Reconvene The Chairperson recessed the regular meeting at 11:30 a.m., to reconvene in open session at 11:40 a.m., with all Board Members present.

P.W./Public Hearing on Increasing Hanger Rent and Tie Down Fees at County Airports The Chairperson re-opened the public hearing at 11:40 a.m., on a proposed 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." Mr. Doug Wilson, Interim Public Works Director, briefed the Board on what had transpired at the recent Southern Inyo Airport Advisory Committee Meeting concerning the proposed increases, explaining that the Committee was not recommending the hanger rate increases for the Independence Airport because there are less services at the Independence Airport as well as the lack of regular hanger maintenance. Supervisor Fortney read a letter into the record from Mr. Mike Barnes, Independence resident and a renter of one of the two Hangers at the Independence Airport opposing the increase in the hanger rent at the Independence Airport. Ms. Beverly Van Der Wall, Southern Inyo Airport Advisory Committee Member, addressed the Board to support the Committee's recommendation that the hanger rents not be increased at the Independence Airport.

The Board continued to discuss the proposal to increase hanger rents and tie down fees at the County's Airports, including (a) charging different hanger rent rates at different airports, (b) the escalator percentage and timing of the next escalator increase, (c) the status of the hanger doors at the Independence Airport, (d) what type of hangers each of the airports offers, i.e., the size, condition, and what is stored in the hangers, as well as the value of the airports to the communities where they are located. The Board went on to briefly discuss maintenance needs at the Independence and Bishop airports, with Mr. Wilson noting that the current rental agreements have the hanger maintenance as the responsibility of the renter.

The Board continued to discuss the proposed increases in hanger rents with Supervisors Cash and Arcularius not supporting a different hanger rent schedule or a different escalator percentage for the Independence and Eastern Sierra Regional Airports, with Supervisor Arcularius explaining that she believes the rates should be uniform throughout the County. Supervisors Cash and Arcularius were also not interested in delaying the implementation of the escalator to 2013. Supervisors Cervantes and Fortney were in favor of different rental amounts and escalator percentages for the two airports. Supervisor Pucci was in favor of different pricing for the hangers at the two airports. He was not in favor of different escalator percentages, but because of the timing did not feel that implementing the escalator increase at the beginning of 2012 was inappropriate. County Counsel, Mr. Randy Keller, informed the Board that the proposed changes to the ordinance being discussed by the Board during today's hearing were not substantial and could be accomplished without requiring the ordinance process to begin again. The Chairperson closed the public hearing at 12:20 a.m.

It was moved by Supervisor Fortney and seconded by Supervisor Cervantes to waive the first reading of the ordinance to increase the hanger rents and tie down rates at the County Airports, as presented with the exception of the hanger rental rate at the Independence Airport to be \$140, with a 2% escalator rate, and schedule the enactment for 11:30 a.m., Tuesday, September 20, 2011, in the Board of Supervisors Room, at the County Administrative Center, in Independence. The motion failed on a two-to-three vote with Supervisors Cervantes and Fortney voting yes and with Supervisors Arcularius, Cash and Pucci voting no.

The Chairperson reopened the public hearing at 12:25 p.m. The Board continued to discuss the proposed hanger rate increases. The Interim Public Works Director, Mr. Doug Wilson, provided additional information regarding the hanger rental agreements, explaining that not all of the rental agreements are current but the Department is endeavoring to bring them all up to date with the newest rental form.

The County Administrator noted that should the hangers at the Independence Airport become available, he would be interested in renting those units to store County records, i.e., Public Defender, Sheriff, D.A., Board of Supervisors, etc. He explained that the current cost to provide storage for those records in much smaller spaces, far exceeds the \$130 a month being discussed for the Independence hangers. The Board Members reiterated their previously noted positions on the hanger rents. The Chairperson closed the public hearing at 12:30 p.m.

Moved by Supervisor Fortney and seconded by Supervisor Cervantes to approve the 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" as amended to reflect \$130 hanger rental rates at the Independence Airport and a 3% escalator on all hanger rents at County Airports beginning in January 2013, and schedule the enactment for 11:30 a.m., Tuesday, September 20, 2011, in the Board of Supervisors Room, at the County Administrative Center, in Independence. Motion carried on a three-to-two vote with Supervisors Fortney, Pucci and Cervantes voting yes and with Supervisors Arcularius and Cash voting no.

- Board Members and Staff Reports      The Board Members reported on their activities during the preceding week, including the Standing Committee Meeting resolution of the County's objections to the pumping plan.
- 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 12:40 p.m., to convene in closed session with all Board Members present to discuss and take action on Agenda Item 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. – Inyo County Superior Court Case No. SICVPT05-38164.**
- Report on Closed Session        The Chairperson recessed closed session at 1:10 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 1:10 a.m., to 9:00 a.m., Tuesday, September 20, 2011, in the Board of Supervisors Room, at the County Administrative Center, in Independence.

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*Chairperson, Inyo County Board of Supervisor*

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

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