

MINUTES

County of Inyo Board of Supervisors

October 11, 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, October 11, 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 Mr. Kevin Carunchio, County Administrator, led the Pledge of Allegiance.

- Public Comment The Chairperson announced the public comment period. Ms. Misti Clark-Hold, Wild Iris Domestic Violence Program Coordinator, provided information regarding events planned to bring domestic violence awareness to our communities.
- County Department
Report Period The Chairperson announced the County Department Report Period. Lt. Jeff Hollowell, told the Board that Yvette Mason was going to be out of the office for several weeks and introduced her temporary replacement, Mr. Rod Barton, a retired Veterans Service Officer from El Dorado County who is now living in Bishop, to the Board. Mr. Joe Pecsí of Wildan Services, updated the Board on the recent Emergency Services Table Top exercise which included the view of a brief video regarding the mock emergency that was being handled. At the conclusion of the presentation, the County Administrator, Mr. Kevin Carunchio, added his thoughts on the exercise and noted the great job the participating County Staff had done. Ms. Jean Turner, Director of Health and Human Services, reported on the Annual Meeting of the State's Health Executives that she had attended and to update the Board on the CMSP Program. Mr. Doug Wilson, Interim Public Works Director, introduced retiring employee Linda Baffrey to the Board, noting that when Ms. Baffrey was initially hired over 10 years ago she was not introduced to the Board and he was correcting that oversight before she retires on Friday. Mr. Wilson also updated the Board on the Electrical Upgrade Project. Mr. Josh Hart, Planning Director, updated the Board on the Hidden Hills Solar Energy Project, informing the Board of upcoming meeting in Tecopa on the project, one of which is for staff, agencies and the applicant which is scheduled for October 27, 2011 and public meeting to be held on November 3, 2011. Mr. Hart also provided the Board with a map showing the areas of critical environmental concern (ACEC) in Inyo County.
- Resol. #2011-40/
Firefighter of the
Year On a motion by Supervisor Fortney and a second by Supervisor Pucci Resolution #2011-40 was adopted, honoring Pat O'Neil as the Inyo County 2011 Firefighter of the Year: motion unanimously passed and adopted. At the conclusion of the motion, Supervisor Fortney read the resolution into the record and presented a commemorative copy of the Resolution to Assistant Chief Pat O'Neil.
- Resol. #2011-41/
Fire Prevention
Week Supervisor Fortney read into the record the resolution recognizing the week of October 9 through 15, 2011 as Fire Prevent Week in Inyo County. On a motion by Supervisor Fortney and a second by Supervisor Arcularius, Resolution No. 2011-41 was adopted, recognizing October 9 through 15, 2011 as Fire Prevention week in Inyo County: motion unanimously passed and adopted.
- Schools/Supt. of
Schools Update Dr. Terence McAteer, Inyo County Superintendent of Schools addressed the Board to provide an update on Inyo County Schools and to talk about our local education system. Dr. McAteer talked about improved STAR testing scores, enrollment and attendance figures, additions to the tournament schedule and curriculums, upgrade to Bernasconi Center, new ROP classes, the Charter School, and a budget report.
- 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.

Integ. Waste/ Vector Contract Amendment	Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve Amendment No. 3 to the contract between the County of Inyo and Ausenco Vector Engineering, Inc., for solid waste technical services consenting to the asset purchase and granting Ausenco Vector Engineering, Inc., the assignment of the subject Contract by and between Ausenco Vector Engineering, Inc., and the County of Inyo to Geo-Logic Associates, Inc.; and authorize the Chairperson to sign. Motion carried unanimously.
Parks/Lone Pine Park Lease	Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve the Lease between the County of Inyo and the Los Angeles Department of Water and Power (LADWP) for property utilized for the Lone Pine Park (Spainhower Park), for the period of October 1, 2011 through September 20, 2016, at the annual rate of \$500; and authorize the Chairperson to sign. Motion carried unanimously.
Ag. Comm./Ag Resource Advisory Board Appt.	Moved by Supervisor Arcularius and seconded by Supervisor Fortney to appoint Greg Allen, to the Agriculture Resource Advisory Board, representing the Community Business at Large category, to complete an unexpired three year term ending August 22, 2014. Motion carried unanimously.
County Counsel/ On Line Research Services Contract	Moved by Supervisor Arcularius and seconded by Supervisor Fortney to ratify the Contract between the County of Inyo and West A. Thomson Reuters Business for online legal research services, for the three-year period commencing October 1, 2009, for a flat rate of \$988.80 per month, for a total Contract amount not to exceed \$35,507, contingent upon the Board's adoption of future budgets. Motion carried unanimously.
Clerk-Elections/ Appointments In Lieu of Elections	Moved by Supervisor Arcularius and seconded by Supervisor Fortney to issue the order declaring appointed-in-lieu of election those candidates submitted for the special districts for the November 8, 2011 UDEL Election as certified by the Clerk's Certificates. Motion carried unanimously.
P.W./Federal Express ESR Airport Property Lease	Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve the Lease Agreement between the County of Inyo and Federal Express Corporation for property at the Eastern Sierra Regional Airport, for the period of November 1, 2011 through October 31, 2016, at the rate of \$568.75 per month, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
CAO/ESTA Line of Credit	Moved by Supervisor Arcularius and seconded by Supervisor Fortney to A) lend the Eastern Sierra Transit Authority (ESTA) \$25,000 from County funds for a term not to exceed December 1, 2011 through September 1, 2012, based on ESTA agreeing to certain conditions; and B) approve an Agreement (to be developed similar to last year's Agreement) between the County of Inyo and the Eastern Sierra Transit Authority for the provision of an advancement of funds and, authorize the County Administrator to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
Water/LADWP Modified Pumping Program	Dr. Bob Harrington, Water Director, provided the Board with a copy LADWP's proposed modified 2011 Owens Valley Pumping Program, explaining that the modification is to reduce the pumping amounts recommended for Taboose-Aberdeen and Thibaut-Sawmill to the amount requested by the Board, while increasing pumping by the same amount in the Independence and Laws areas, to maintain the original total amount of in Valley pumping at 91,000 acre feet. The Board and Dr. Harrington discussed the proposed modifications including (a) the need to acknowledge that DWP had adjusted the disputed amount in the areas the County had requested; (b) concern with moving the increased pumping across the road in one of the disputed areas, (c) concerns with increased pumping in the Laws area which is already an area where recovery is lagging, and (d) the need to identify what process is to be followed in responding to the modified Plan. The Board directed Dr. Harrington to respond to DWP's notification of the proposed modified Pumping Plan and to acknowledge the reductions in the two well fields, reiterating the County's original position of reductions in certain other well fields, and to seek clarification on the process to be followed regarding the response to the modification.

Water/Standing
Comm. Agenda
Instructions

The previous discussion regarding the modified 2011 Owens Valley Pumping Program segued into the discussion regarding the upcoming Standing Committee Meeting Agenda. The Board, Dr. Harrington, County Counsel, and the County Administrator had a lengthy discussion regarding the Agenda Item pertaining to the County's dispute on the 2011 Pumping Program. County Counsel explained that the direction from the Standing Committee was for staff to frame the dispute process question for further consideration by the Committee. He said that staff's efforts to frame the question had been unsuccessful and he did not believe the issue would be resolved before the Standing Committee Meeting.

He noted that the problem that has arisen as a result of this direction is the ideological differences between the County of Inyo's position and LADWP's position on the Long Term Water Agreement (LTWA). He explained that the County's position is that since the Agreement is CEQA mitigation, its purpose is to avoid future impacts, while DWP views the Agreement as a requirement that it mitigate future impacts it causes. The Board talked about withdrawing the County's dispute because of the Department's modified Pumping Program that decreased the pumping in the two areas the County requested, with County Counsel recommending that it would be better to just remove the item for action in order for the modified Pumping Program to follow the process through to its conclusion.

The Board talked about the Standing Committee framing the dispute question if staff is unsuccessful in their endeavors. The Board also talked about the issue of how the dispute process question would be agendized because of LADWP's desire to have its dispute language agendized and staff wanting to make sure there was no misunderstanding that this was not agreed upon language, it is one party's recommendation. The Board Members talked about item 3b on the Agenda, with the Board indicating they were not willing to decide on the appropriate measure for resolution if the question is not framed. The Board asked that item 3b be worded in such a manner as to provide that if the question is framed then that language would be sent to the individual governing bodies of the two jurisdictions for approval, with the item being returned to the Standing Committee after that. Supervisor Arcularius said that the only thing the Standing Committee is doing is "only agreeing to the question." The Board also asked that if LADWP insists that its language for the question be included on the Agenda that it be framed so that the public is aware that it is only recommended language from LADWP.

CAO-Adv. Co. Res./
GIS Program Awards

The County Administrator provided additional information and further justification for staff's recommendation that this year's GIS awards be given to past recipients in the same amounts as last year. The Board heard from a number of GIS recipient representatives who addressed and thanked the Board for the County's continued support of their programs, including Bruce Ivy, Friends of the Mt. Whitney Fish Hatchery, Wild Iris, Max Cox of the Bishop Historical Society, Jennifer Duncan of California Indian Legal services, and Lynn Cooper of the Inyo Council for the Arts. The Board also took comment from Rosanne Higley, representing Playhouse 395, who asked the Board for consideration of its grant application to help pay for staff for the organization. Supervisor Cash said that she could not support the request from Playhouse 395 for funds to help staff the organization in light of the fact that the County continues to balance its budget by maintaining vacancies in a large number of County positions. Supervisor Arcularius noted that the organizations and projects that are being recommended for funding cover a thorough cross-section of the community, i.e., arts, education, public safety, public assistance, etc. Moved by Supervisor Fortney and seconded by Supervisor Arcularius to approve the FY 2011-12 Grants-in-Support Program awards as recommended and authorize the County Administrator to sign contracts or contract amendments with FY 2011-12 Grants-in-Support Program applicants for the period of July 1, 2011 through June 30, 2012, in the amounts as recommended by staff and approved by the Board, contingent upon the appropriate signatures being obtained. Motion carried unanimously.

Recess
Reconvene

The Chairperson recessed the regular meeting at 12:10 p.m., to reconvene in open session at 1:15 p.m., with all Board Members present, except Supervisor Fortney who had left the meeting.

BofS/Minute
Approval

The Clerk asked that the minutes of the September 27, 2011 Board of Supervisors Meeting be approved with the following changes on page three, paragraph one, third line "be" be removed, third line from the bottom of first paragraph "...none were aware..", last line of first paragraph "...and includes the water rights to the lake..." and paragraph three, fourth line, the work purchase changed to "sale".

Moved by Supervisor Pucci and seconded by Supervisor Cervantes to approve the minutes of the September 27, 2011 Board of Supervisors Meeting. Motion carried unanimously, with Supervisor Fortney absent.

HHS-Probation/
Wraparound Program
Report Representatives of the Health and Human Services Department and the Probation Department updated the Board on the first year of the Wraparound Program. They provided statistical data from the program as well as an overview of the variety of services that are provided to the Program recipients.

Planning-Ag Comm./
Southwestern Willow
Flycatcher Moved by Supervisor Cervantes and seconded by Supervisor Pucci to approve the correspondence to the U.S. fish and Wildlife Service regarding a proposed rule for designation of revised critical habitat for southwestern willow flycatcher; and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Fortney absent.

Planning/WEMO
Letter The Board discussed several changes to the proposed correspondence regarding the WEMO Plan, including moving the reference to coordination to the beginning of the letter, and referencing the statute. Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to review the Notice of Intent and Notice - Prepare an Environmental Document and Proposed Plan Amendment for the West Mojave (WEMO) Plan, Motorized Vehicle Access Element; and authorize the Chairperson to sign the correspondence pertaining to the notices, as amended. Motion carried unanimously, with Supervisor Fortney absent.

Recess/
Reconvene The Chairperson recessed the regular meeting at 2:20 p.m., to reconvene in a workshop at 2:30 p.m., with all Board Members present, except Supervisor Fortney.

Planning/Zoning
Code Workshop The Chairperson convened the workshop regarding draft sections of the updated Zoning Code and provided input to staff and the Planning Commission. The Chairperson recessed the workshop at 3:20 p.m., to reconvene in open session, with all Board Members present, except Supervisor Fortney.

Board Members and
Staff Reports The Board Members reported on their activities during the preceding week, including the Lone Pine Film Festival, an Inyo Council for the Arts Meeting, the Millpond Music Festival, notice that the Governor has signed the Adventure Trails Bill, an Inyo First Five Commission Meeting, various reports on tours of the Animal Shelter, with the County Administrator reporting that Public Works has hot mopped the leaky areas of the Shelter roof, and a report that in conversation with Congressman McKeon's staff regarding the County of Inyo not being made aware of legislation introduced by the Congressman that impacts Inyo County lands, staff had apologized for the oversight.

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 3:30 p.m., to convene in closed session, to discuss and take action as appropriate on Agenda Items No. 21. **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; No. 22. PERSONNEL [PURSUANT TO GOVERNMENT CODE §54957] - Public Employee Appointment - Title: Director Public Works; No. 23. 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. 24. CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6] - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Elected Officials Assistants Association (EOAA) - Negotiators: Chief Probation Officer Jeff Thomson and Labor Relations Administrator Sue Dishion; No. 25. 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. 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 of Child Support Services Susanne Rizo, 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 Probation Peace Officers Association (ICPPOA) – Negotiators: CAO Kevin Carunchio and 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: Law Enforcement Administrators Association (LEAA) - Negotiators: CAO Kevin Carunchio and Labor Relations Administrator Sue Dishion; and No. 29. **REAL PROPERTY NEGOTIATIONS (CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE §54956.8)** – Property: APN 001-104-11, 556 No. 2nd Street, Bishop Property California (Bank owned) – Negotiating Parties: County Administrator, HHS Director, Interim Public Works Director, Interim Deputy Public Works Director and Bank of America – Negotiations: Terms and Conditions.

Report on Closed Session

The Chairperson recessed closed session at 4:15 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 4:15 p.m. to 9:00 a.m., Tuesday, October 18, 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