

MINUTES

County of Inyo Board of Supervisors

December 13, 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 December 31, 2011, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Susan Cash presiding, Rick Pucci, Marty Fortney and Richard Cervantes. Supervisor Arcularius was absent. Supervisor Cervantes provided the Invocation, and Supervisor Fortney 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. Ms. Jean Turner, Director of Health and Human Services, reported on on-going efforts regarding the State Merit System. Ms. Turner went on to share the first edition of the Senior Newsletter with the Board. Mr. Doug Wilson, Interim Public Works Director, advised the Board of a request from the public regarding the placement of "call boxes" on County Highways. He went on to report on a meeting with the Lone Pine Chamber of Commerce regarding grant funding to pave roads in Lone Pine. He explained that the paving would fall to the County road crews which had implications that would need to be explored further. Ms. Kammi Foote, Clerk-Recorder, addressed the Board to report on a Bishop City Council meeting wherein the Council discussed a proposal to combine the City's elections with Statewide elections. Supervisor Arcularius joined the meeting at 9:07 a.m. Ms. Foote went on to report on changes in the election law, offering to hold a workshop to bring the Board up to date on all of the changes. Dr. Bob Harrington, Water Director, reported that the County has received a State Wildlife Conservation Board grant for approximately \$385,000 to continue with salt cedar eradication efforts. Dr. Harrington noted that per the LTWA the City of Los Angeles is required to match the funding for this program.
- Introductions Ms. Jean Turner, Director of Health and Human Services introduced the following Health and Human Services Department employees to the Board: Ms. Gina McKinzey and Ms. Julie Vanwey, Account Technicians; Ms. Megan Solario, Human Services Supervisor, Ms. Michelle Howell, Case Manager, Ms. Miquela Beal, Administrative Analyst, and Mr. Russell Noland, Residential Care Giver.
- Farm Advisor/Recruitment Update Ms. Serena Dennis, Acting Director UC Cooperative Extension Program, addressed the Board to discuss and take the Board's input on the recruitment of a new County Farm Advisory and the areas that would best serve the needs of the County. The Board and Ms. Dennis discussed the attributes desired of candidates for the position of Inyo County Farm Advisory. The consensus of the Board was that a well-rounded candidate versed in all of the disciplines would be preferred because of Inyo County's unique attributes. Ms. Dennis concurred with the Board's preferences for the position. Ms. Dennis went on to provide the Board with the tentative recruitment schedule for the position.
- Emerg. Serv./Oak Creek Mud Flows Moved by Supervisor Fortney and seconded by Supervisor Arcularius to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.
- HHS-First 5/Child Development Contract Moved by Supervisor Fortney and seconded by Supervisor Arcularius to ratify and approve the Contract between the County of Inyo and the Inyo County Superintendent of Schools Child Development Division for the provision of Child Development services for a period of October 1, 2011 through June 30, 2012 in an amount not to exceed \$23,000; and authorize the Chairperson to sign. Motion carried unanimously.

Planning-Yucca Mt./Certification of Funds	Moved by Supervisor Fortney and seconded by Supervisor Arcularius to certify that \$297,761.39 in funds provided to Inyo County as an Affected Unit of Local Government (AULG) under the Nuclear Waste Policy Act, as amended, have been expended in accordance with the provisions of that Act, Public Law 97-425, and the 2010 Energy and Water Development and Related Agencies Appropriations Act; authorize the Chairperson to sign the Certification; and direct staff to submit the Certification to the U.S. Department of Energy. Motion carried unanimously.
P.W./Owenyo Contract Amendment	Moved by Supervisor Fortney and seconded by Supervisor Arcularius to approve Amendment No. 4 to the Contract between the County of Inyo and Owenyo Services for the operation and maintenance of the Independence, Laws, and Lone Pine town water systems, extending the term through June 30, 2012 and increasing the Contract to an amount not to exceed \$1,619,150.90; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
BofS/CSAC Initiative	Supervisor Cash talked about CSAC's efforts to have the Local Taxpayers, Public Safety, and Local Services Protection Act initiative passed to cover the cost to counties to implement AB 109. She explained that at this point CSAC, the State Sheriff's Association, and the Chief Probation Officers Association had formed a coalition to put an initiative on the ballot. Supervisor Cash went on to explain that since CSAC began its efforts, the Governor had submitted a similar initiative which had initially garnered very favorable polling support at a 60% approval rating. She noted that there were slight differences between the two initiatives, with the major exception being the Governor's inclusion of tax revenues in his initiative. The Board talked about the two initiatives, the cost to spear head the initiative effort, and that in light of the Governor's proposal's initial support, and in order for CSAC to not expend the millions of dollars it will take to put this initiative before the voters, should the Governor's proposal continue to gain support, CSAC may be willing to step away from its initiative and let the Governor's proposal move forward to the voters. The Board talked about its preferences including that the primary force behind any initiative is to alleviate the counties financial burdens to comply with AB 109 which is destined to return inmates and probationers to the counties for incarceration and monitoring, thus drastically increasing counties public safety costs. The County Administrator suggested that, possibly, the Board might want to consider taking a lead position by supporting the Governor's proposal upfront. He noted that this might be an opportunity for the County to enhance its relationship with the Governor. The Board Members decided that since CSAC is not due to take a final vote on the initiative until its January meeting, the Board could monitor the various initiatives over the next several weeks and depending on how the polling numbers play out, make a final recommendation regarding Inyo County's position during its January 3, 2012 meeting. The Board asked that this item be agendaized for weekly updates. Sheriff Bill Lutze provided information regarding the State Sheriff's Association's efforts to secure a spot for an initiative on next year's ballot. The Board in response to the request from Supervisor Cash for tentative direction regarding the County's position, talked further about the initiative and its impacts. Moved by Supervisor Arcularius and seconded by Supervisor Fortney to direct Supervisor Cash to relay Inyo County's preliminary support of CSAC's efforts to ensure passage of the Local Taxpayers, Public Safety and Local Services Protection Act initiative, with the final position to be provided during the Board's January 3, 2012 meeting after further information is known about competing initiatives. Motion carried unanimously.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 10:10 a.m., to reconvene in open session at 10:25 a.m., with all Board Members present.
Water/Water Commission Appointments	The Water Director reviewed the request for the Board to appoint two members to the Inyo County Water Commission. Moved by Supervisor Pucci and seconded by Supervisor Arcularius to re-appoint Mr. Mike Prather and appoint Mr. Bruce Dishion to serve on the Inyo County Water Commission to four year terms beginning January 1, 2012 and ending December 31, 2015. Motion carried unanimously.
Public Works/ Position Request	Moved by Supervisor Arcularius and seconded by Supervisor Fortney to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the requested positions comes from the Road Fund, as certified by the Road Commissioner, and concurred with by the County Administrator and the Auditor-Controller; B) where internal candidates meet the qualifications for the positions, the vacancies could possibly be filled through an internal recruitment, however open recruitment would be more appropriate to ensure qualified applicants apply and there is an existing list of applicants for the positions; and C) approve the hiring of four seasonal Road Maintenance Workers at Range PT850 (13.90/hour, no County benefits) depending upon qualifications from the existing list. Motion carried unanimously.

P.W./Authority to Purchase Surplus Government Property

Mr. Doug Wilson, Interim Public Works Director, provided additional information and further justification for the request to have the appropriate paperwork completed, signed and submitted that would allow the County of Inyo to purchase a fuel tank, that was federal surplus, for the Lone Pine Airport; and allow the County to purchase future surplus equipment that may become available. He explained that the current FBO contract at the Airport required the Operators to put the fuel tank in—with ownership of the tank remaining with the Operator. He said that this requirement had not been met and under today's request the fuel tank would remain the property of the County and not the Operator. He also reviewed some of the advantages to the County of being able to purchase federally surplused equipment. Moved by Supervisor Fortney and seconded by Supervisor Cervantes to A) approve filing of forms required to qualify for surplus government property, authorize the County Administrator to sign the application for surplus property; B) authorize the Chairperson to sign Form 203, Assurance of Compliance with GSA regulations Under Title VI for the Civil Rights Act of 1964; C) authorize an application for a surplus fuel tank to be used at the Lone Pine Airport; D) amend the FY 2011-12 Lone Pine Airport Special Aviation Budget Unit 150600 by increasing appropriations in Equipment <\$5000 (*Object Code #5232*) by \$1,250 and decreasing available fund balance by \$1,250; and E) authorize the County Administrator to apply for and sign applications for future surplus properties. Motion carried unanimously.

P.W./McMurtrie-Tanksley Fire Hydrant Replacement Contract

Moved by Supervisor Fortney and seconded by Supervisor Arcularius to A) award Contract for Fire Hydrant replacement services to McMurtrie-Tanksley, Inc.; and approve the Contract between the County of Inyo and McMurtrie-Tanksley, Inc., for replacement of fire hydrants, in the amount of \$14,700; and authorize the Public Works Director to sign, contingent upon the appropriate signatures being obtained; and B) amend the FY 2011-12 Independence Water System Budget Unit 152101 by increasing appropriations in Infrastructure (*Object Code #5620*) by \$5,700 and decreasing available fund balance by \$5,700. Motion carried unanimously.

Sheriff/COPS Expenditures

The Chairperson opened the public hearing at 10:50 a.m., to gather input regarding the intended uses for the "Citizen's Option for Public Safety" (COPS) monies during FY 2011-12. Sheriff Bill Lutze reviewed the staff report and recommendations regarding the expenditure of the funds. There was no one else wishing to address the Board on this issue. The Chairperson closed the public hearing at 10:52 a.m. Moved by Supervisor Arcularius and seconded by Supervisor Fortney to accept and approve the use of COPS monies for equipment and programs that are necessary to support the needs of frontline law enforcement as recommended by staff. Motion carried unanimously.

Resol. #2011-47/ Updated Wilderness Resolution

Mr. Josh Hart, Planning Director, recapped the Board directions to have the 2002 Wilderness Resolution updated. He reviewed the draft resolution. The Board discussed several minor changes in that references to WSA should be reflected as "deemed not suitable" which was the original terminology when the WSA were developed over 25 years ago, that WSA should not be plural, and that references to "off road" be changed to "off highway." On a motion by Supervisor Arcularius and a second by Supervisor Fortney to approve a Resolution titled "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Regarding Designation of Additional Wilderness in Inyo County" to update the County's Wilderness Resolution" as amended: motion unanimously passed and adopted.

Planning/DRECP Direction

With regard to the Stakeholder Meeting scheduled for December 14 and 15, for the Desert Renewable Energy Conservation Plan (DRECP), the Planning Director, Mr. Josh Hart, provided a handout regarding Kern County's proposal for County Participation in the DRECP and briefly summarized the issues. The Board and Mr. Hart discussed the issues including expressing concern with the reference to "condor study areas," that renewable energy projects need to provide benefit to the local agencies where they are developed; and concern about mitigation on private and public lands. Additionally the Board asked that several specific language changes be made including in the second bullet on page one, that State manages the public lands rather than owns them; enhancement should be for existing public lands and of similar character; and on the second bullet from the bottom of page 2, grazing allotments should be permanent since conservation is permanent. At the conclusion of the discussion, Supervisor Cervantes briefly left the meeting.

Ordinance 1168/ Zone Reclass 2011-02/Crispin	On a motion by Supervisor Fortney and a second by Supervisor Pucci, Ordinance 1168 titled “An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Approving Zone Reclassification No. 2011-02/Crispin and Amending the Zoning Map of the County of Inyo by Rezoning the Minimum Lot Size of Two 19,880 square Foot Parcels Located at 221 West Street (APN 004-050-20) and 231 West Street (APN 004-050-21), in the Community of Big Pine, From Residential Mobile Home (RMH), 10,000 Square Foot Minimum Lot Size to Residential Mobile Home (RMH), 9,900 Square Foot Minimum Lot Size,” was enacted: motion unanimously passed and adopted, with Supervisor Cervantes absent. At the conclusion of this item, Supervisor Cervantes rejoined the meeting.
Board Members and Staff Reports	The Board Members reported on their activities during the preceding week including an LTC Meeting, a Flag Retirement Ceremony, a mock accident exercise at Big Pine High School, an RCRC Board Meeting, a Sierra Nevada Conservancy Meeting, the Standing Committee Meeting, the Wild Iris Christmas Party, a meeting between Department Heads and Gruen Gruen + Associates regarding the Hidden Hills Project, and notification that the Board has been given copies of the Draft of Phase I of the LORP Recreation 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 11:40 p.m., to convene in closed session, with all Board Members present to discuss and take action as appropriate on Agenda Items No. 19. PERSONNEL [PURSUANT TO GOVERNMENT CODE §54957] - Public Employee Performance Evaluation - Title: County Administrative Officer; No. 20. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Pursuant to Government Code §54956.9(c) – Decision Whether to Initiate Litigation (two cases); No. 21. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Pursuant to Government Code §54956.9(a) – RDO Construction Equipment Co., dba B&B Equipment Rental by RDO Equipment co. v Prominent Systems, Inc., County of Inyo, et al. – San Diego County Superior Court, East County Division, Case No. 37-2011-00071209-CU-BC-EC; No. 22. 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. 23. 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. 24. 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. 25. 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. 28. REAL PROPERTY NEGOTIATIONS (CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE §54956.8) – Property: APN 001-104-11, 556 No. 2 nd 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 2:30 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 2:30 p.m., to 9:00 a.m., Tuesday, December 20, 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