

MINUTES

County of Inyo Board of Supervisors

February 7, 2012

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, February 7, 2012, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Marty Fortney presiding, Linda Arcularius, Susan Cash, Rick Pucci, and Richard Cervantes. Supervisor Cervantes provided the Invocation, and Supervisor Pucci 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 The Chairperson announced the County Department Report period. Ms. Kammi Foote, Clerk-
Reports Recorder, informed the Board that residents of Rovana, Mustang Mesa, 40 Acres, Starlite, Aspendell, Wilkerson and Rossi Hill, will no longer be mail only precincts; they will have a polling place at which to vote. Ms. Foote also informed the Board that she is going to be more involved in her State Association but it will not be an expense to the County and will not affect the services being provided by her Department. The County Administrator, reported on the County Administrator's Association meeting he had attended. He told the Board that the Association is again sponsoring webinar training for mid-managers, and that he had shared the San Diego County IHSS fraud report with the Health and Human Services Department. Mr. Carunchio went on to report on a CPUC Meeting and a State Board of Equalization Meeting he had attended in Sacramento regarding the Hidden Hills Solar Project and related property tax rulings. Ms. Susanne Rizo, Regional Director, Child Support Services, reported on her Department's activities, including work with the Bishop Tribe on expanding services, a court training session on impacts of teen pregnancy, a State Directors Meeting, and an upcoming workshop on a State program for debt waiver.
- Introduction Ms. Terra Duro, Office Manager, a new Health and Human Services employee, was introduced to the Board.
- Emerg. Serv./Oak Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to continue the local
Creek Mud Flows emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.
- Clerk/Restoration Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to award and approve
of Historic Record the Contract for the Restoration of Historic Record Book Project, to Brown's River Marotti
Books Contract Company in an amount not to exceed \$36,000, for a period of 6 months; and authorize the
Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried
unanimously.
- HHS-HIV-AIDS/
State Contract Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to approve Amendment
No. 1 to the Agreement and MOU's between the County of Inyo and the State of California
Department of Public Health for the provision of HIV/AIDS surveillance and HIV care and support
services to individuals living with HIV/AIDS or at risk of HIV infection, increasing the grant by
\$21,772, for a total contract amount of \$208,480 for the period of July 1, 2010 through June 30,
2013, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to
sign. Motion carried unanimously.
- HHS-Behavioral Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to ratify and approve the
Hlth./Alpine Contract between the County of Inyo and Alpine Counseling Center for the provision of drug court
Counseling related services for the period of January 1, 2012 through December 31, 2012, in an amount not
Contract to exceed \$18,139 contingent upon the Board's adoption of future budgets; and authorize the
Chairperson to sign. Motion carried unanimously.

HHS-Hlth. Serv./
Amendment to
Health Care
Services Contract

Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to approve Amendment No. A01 to the Agreement between the County of Inyo and the State of California Health Care Services, extending the Contract from July 1, 2009 through June 30, 2012 for two years to June 30, 2014 and increasing the maximum amount of the agreement reimbursement from \$900,000 to \$1,425,000 for approved Medi-Cal Administrative Activities (MAA), contingent upon the Board's adoption of future budgets; and authorize the Director of Health and Human Services to sign. Motion carried unanimously.

HHS-WIC/State
Contract

Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to ratify and approve the Contract between the County of Inyo and the State of California Department of Public Health for the California Woman, Infants and Children (WIC) Contract for the period of October 1, 2011 through September 30, 2014, in an amount of \$1,410,000, contingent upon the Board's adoption of future budgets; and authorize the Director of Health and Human Services to sign. Motion carried unanimously.

Planning/
Amendments to
PCR and C.G.
Roxane Contracts

Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to approve the Amendments No. 1 to the Contracts between the County of Inyo and the following, contingent upon the Board's adoption of future budgets, and authorize the Chairperson to sign: A) PCR Services Corporation to increase the contract limit by \$51,452 for a total amount of \$239,822 and augment the scope of work for biological, historic and archaeological resources, data collection and meetings and management; and B) C.G. Roxane LLC, to increase the contract limit by \$72,033 for a total amount \$345,370, inserting the original and augmenting the scope of work for biological, historic and archaeological resources, data collection, and meetings and management. Motion carried unanimously.

Resol. #2012-05/
Tecopa Sewer
Lagoon Prj. Notice
of Completion

On a motion by Supervisor Arcularius and a second by Supervisor Cervantes, Resolution No. 2012-05 was approved accepting the improvements for the Tecopa Hot Springs Sewer Lagoon Repair Project and authorize the recording of a Notice of Completion for the Project: motion unanimously passed and adopted.

Resol. #2012-06/
Landfill Gatehouse
Project Notice of
Completion

On a motion by Supervisor Arcularius and a second by Supervisor Cervantes, Resolution No. 2012-06 was approved, accepting the improvements for the Bishop-Sunland Landfill Gatehouse Project and authorize the recording of a Notice of Completion for the Project: motion unanimously passed and adopted.

HHS-Misc./Position
Request

Moved by Supervisor Cash and seconded by Supervisor Arcularius to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the requested position exists in the Health Budget as certified by the Health and Human Services Director, and concurred with by the County Administrator and the Auditor-Controller; B) where internal candidates meet the qualifications for the position of Account Technician, the vacancy could possibly be filled through an internal recruitment, however an open recruitment would be more appropriate to ensure a sufficient number of qualified applicants apply, if an appropriate candidate is not found on an existing eligibility list; and C) approve the hiring of one Account Technician I at Range 55 (\$2,910 - \$3,537) or II at Range 59 (\$3,194 - \$3,880) depending upon qualifications. Motion carried unanimously.

Water/Position
Request

Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the requested positions exists as certified by the Water Director, and concurred with by the County Administrator and the Auditor-Controller; B) where internal candidates meet the qualifications for the positions of Seasonal Field Assistants, the vacancies could possibly be filled through an internal recruitment, however an open recruitment would be more appropriate as there may not be sufficient internal applicants to fill the requested positions; and C) approve the hiring of four seasonal Field Assistants I at Range 050PT (\$13.90 – \$16.87 per hour) as follows: one position from May 16, 2012 through August 31, 2012 and three positions from June 1, 2012 through August 31, 2012, contingent upon the Board's adoption of a FY 2012-13 budget. Motion carried unanimously.

CAO-Info. Serv./
Position Request

Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the requested position exists in the General Fund as certified by the Information Services Manager, and concurred with by the County Administrator and the Auditor-Controller; B) where internal candidates meet the qualifications for the position of Network and Operations Analyst, the vacancy could possibly be filled through an existing list or an internal recruitment, however an open recruitment would be more appropriate to ensure a sufficient number of qualified applicants apply, and C) approve the hiring of one Network and Operations Analyst I, II, III or IV at Ranges 65 through 76 (\$3,671 - \$5,796), and authorizing hiring up to the 76E step depending upon qualifications. Motion carried unanimously.

Integ. Waste/Tire
Waste Event Waiver
of Fees

Moved by Supervisor Arcularius and seconded by Supervisor Pucci to waive all gate and disposal fees associated with the April 20 and 21, 2012 Waste Tire Amnesty Event. Motion carried unanimously.

Resol. #2012-07/
CAPP CGN Fueling
Station Project App.

The Board and staff had a very lengthy discussion regarding the proposal to seek Clean Air Projects Program (CAPP) funding for a compressed natural gas fueling station and fleet retrofit project. The Board and staff discussed the benefits of CNG, i.e., cheaper and cleaner fuel, better air quality, and challenges to such a project including the geography, costs associated with retrofitting and the size of the project. The Board also discussed the CAPP criteria, how to make the application as strong as possible, the possibility of developing a feasibility study prior to the grant application deadline, the comparison of cost savings between CNG and gasoline, what vehicles could be converted, achieving a converted fleet through attrition and replacement rather than retrofitting, and the economic potential for the private sector. Supervisor Cervantes questioned the timing of a project of this magnitude saying that he was not supporting the application because he felt it was premature.

On a motion by Supervisor Cash and a second by Supervisor Pucci Resolution No. 2012-07, authorizing the submittal of an application for the Compressed Natural Gas (CNG) Fueling Station and Fleet Retrofit Project, was approved: motion carried on a four-to-one vote, with Supervisors Arcularius, Cash, Fortney and Pucci voting yes, and with Supervisor Cervantes voting no.

Recess/
Reconvene

The Chairperson recessed the regular meeting at 10:10 a.m., to reconvene in open session at 10:20 a.m., with all Board Members present.

Resol. #2012-08/
CAPP Heating
System Upgrades
and Equipment
Replacement
Project

Mr. Doug Wilson, Interim Public Works Director, provided additional information and further justification for the request for authorization to submit an application for Clean Air Projects Program (CAPP) funds to upgrade heating systems at County facilities and to replace equipment that is not affected by CARB requirements. The Board and Mr. Wilson discussed several of the specific pieces of equipment being recommended for replacement, i.e., snow blowers.

On a motion by Supervisor Arcularius and a second by Supervisor Pucci, Resolution No. 2012-08 was approved authorizing the application for an amount to be determined to the Great Basin Unified Air Pollution Control District for heating system upgrades to County facilities and Road Department equipment replacements as recommended by Staff: motion unanimously passed and adopted.

BofS/CAPP Support
Letter IMACA Wood
Stove Replacement
Project

Mr. Daren Malloy of Inyo Mono Advocates for Community Action (IMACA) provided additional information on IMACA's current wood stove replacement project that focuses on the southern part of the County and IMACA's request for support to expand the project to the remainder of Inyo County, Mono County and Alpine County. The Board and Mr. Malloy discussed the project. Supervisor Arcularius explained that since she sits on the Great Basin Air Pollution Control District Board, which is the agency funding the CAPP projects, she would be abstaining from voting on this request. She said that the reason she had supported the requests for CAPP projects by County Departments was because she was supporting the County as the First District Supervisor which is what she is elected to do, unlike this request which is from an outside organization. Moved by Supervisor Cash and seconded by Supervisor Pucci to approve a letter supporting a proposal by IMACA to the Clean Air Projects Program (CAPP) to reduce particulate emissions in Inyo County by replacing non-EPA compliant wood stoves with new heating appliances. Motion carried on a three-to-zero vote, with Supervisors Cash, Fortney and Pucci voting yes and with Supervisors Arcularius and Cervantes abstaining.

BofS/Minute Approval Supervisor Arcularius requested that the name of the Captain of the California Highway Patrol Office in Bishop, Andria Witmer, be added to the second public comment section of the January 17, 2012 minutes. Moved by Supervisor Cervantes and seconded by Supervisor Cash to approve the minutes of the Board of Supervisors Meetings as follows: A) the Regular Meeting of January 10, 2012; B) the Special Meeting of January 11, 2012; and C) the Regular Meeting of January 17, 2012 as amended). Motion carried unanimously.

Recess/Reconvene The Chairperson recessed the regular meeting at 10:47 a.m., to reconvene in open session at 11:00 a.m., with all Board Members Present.

Planning/Ordinance on Restoration of Dwellings Destroyed in Center Fire The Chairperson opened the public hearing at 11:00 a.m., on a proposed ordinance titled "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Allowing the Restoration of Non-Conforming Dwellings That Were Destroyed by the Inyo Center Fire of March 18, 2011. Mr. Dan Stewart, Planning Coordinator, reviewed the staff report and recommendations. He explained that the ordinance would extend the deadline for restoration of dwellings from one year to five years for this event. The Chairperson, Supervisor Fortney supported this ordinance explaining that there are unique factors combined with the remote location of many of the dwellings destroyed by this fire, along with more stringent state regulations that are making it difficult to meet the current deadline of one year. There was no one from public wishing to address this issue and the Chairperson closed the public hearing at 11:05 a.m. Moved by Supervisor Cash and seconded by Supervisor Pucci to waive the first reading of the ordinance and schedule the enactment for 11:00 a.m., February 14, 2012, in the Board of Supervisors Room, at the County Administrative Center, in Independence. Motion carried unanimously.

Planning/NRAC Rec. Re Speaking Preferences for Residents The Planning Director, Mr. Josh Hart, provided additional information and further clarification of the Natural Resources Committee's (NRAC) recommendation that County residents be given preference for speaking at public meetings and forums. Mr. Hart explained that the Committee was asking for this preference at meetings where there are large numbers of speakers, many of whom are brought in or attend who live out of the area, like when wilderness issues are being discussed. Several Board Members expressed their understanding with the frustration of the residents not being acknowledged to speak first about those issues that are directly affecting them. The County Counsel, Mr. Randy Keller, explained his concerns with giving preference to any group because the law does not categorize the public, it provides equal protection for all. The Board and staff continued to discuss the NRAC recommendation. The Board directed County Counsel to research the legality of the recommendation further and return this item for further consideration at a future meeting.

Schools/Office of Ed Consolidated Election Moved by Supervisor Cash and seconded by Supervisor Pucci to consolidate the election of Board of Education Trustees with the June 5, 2012 Presidential Primary Election. Motion carried unanimously.

Board Members and Staff Reports The Board Members reported on their activities during the preceding week, including information on the new SRA Fees, a meeting with residents of Starlite concerning camping in Buttermilk, a Great Basin Air Pollution Control Board Meeting, a CSAC Executive Board Meeting, a meeting regarding the facilities at Laws Museum, the Search and Rescue Annual Banquet, an ESTA Meeting, a Northern Inyo Airport Advisory Board Meeting, a meeting with constituents regarding the Olancha by-pass, an LTC Meeting, an EMCC Meeting, an Independence Civic Club Meeting, and a Fish and Wildlife Strategic Visioning Meeting. The County Administrator reported on a Hidden Hills Project Meeting, a Board of Equalization Meeting, a County Administrator's Association meeting and notification that the County has contributed Advertising County Resources funds to the Buckley Pond Restoration Project. The Board and County Administrator discussed sending Board Members to the NACo Legislative Conference in Washington, DC in March. The Board asked that travel arrangements be coordinated with Supervisors Arcularius and Cash and the County Administrator to attend. The Board and the County Administrator also discussed dates for a tour of the County facilities in the Bishop area. The Board scheduled a Special Meeting for Monday, February 27, 2012 and asked that an agenda be developed for the tour.

Recess/Reconvene The Chairperson recessed the regular meeting at 12:40 a.m., to reconvene in closed session at 1:30 p.m., with all Board Members present.

- 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 Board met in closed session to discuss and take action as appropriate on Agenda Items No. 21. **PERSONNEL [PURSUANT TO GOVERNMENT CODE §54957]** - Public Employee Appointment - Title: Director Public Works; No. 22. **CONFERENCE WITH LABOR NEGOTIATOR (Pursuant to Government Code §54957.6)** – Instructions to Negotiators re: wages, salaries and benefits – Title: Director Public Works – Negotiator – as designated by the Board of Supervisors No. 27. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Pursuant to Government Code §54956.9(c))** – Decision Whether to Initiate Litigation (two case); No. 28. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Pursuant to Government Code §54956.9(a))** – *William A. Richmond v. County of Inyo*, Inyo County Superior Court Case No. SICVPT 12-53067, and 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.
- Report on Closed Session The Chairperson recessed closed session at 5:15 p.m., to reconvene in open session to receive a report on closed session. County Counsel reported that with regard to Agenda Item No. 28. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Pursuant to Government Code §54956.9(a))** – *William A. Richmond v. County of Inyo*, Inyo County Superior Court Case No. SICVPT 12-53067, the Board, in a unanimous vote, with Supervisors Arcularius, Cash, Pucci, Fortney and Cervantes voting yes, authorized the Office of County Counsel to defend the County in the matter and directed the Office of County Counsel to defend and indemnify the County Administrator and District Attorney.
- Adjournment The Chairperson adjourned the meeting in the memory of former Inyo County Administrator C. Brent Wallace, long time Bishop area resident Roberta Matlick, and long time Independence resident Glorian Mairs. The Chairperson adjourned the meeting at 5:15 p.m., to 9:00 a.m., Tuesday, February 14, 2012, 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