

MINUTES

County of Inyo Board of Supervisors

February 28, 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 28, 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 Fortney led the Pledge of Allegiance.

- Public Comment The Chairperson announced the public comment period. The Chairperson thanked everyone who had participated in the Board's tour of County offices yesterday. Ms. Rachel Lober representing the Bishop Senior Center volunteers group, said that the group has learned that they did not have the (501)(C)3 designation required to be a non-profit and that the Auditor-Controller, Ms. Leslie Chapman has offered to help them get what they need for the designation and she wanted to publicly thank Leslie for her help.
- County Department The Chairperson announced the County Department Report period. Mr. Jeff Ahlstrom, Managing
Reports Landfill Engineer, provided a program update on the Solid Waste Program, reporting that revenues are a little behind that anticipated with the gate increases. He said revenues are tracking at 52% and they should be at about 67%. He also informed the Board that the Program had submitted a CAAP Grant Application to purchase a water truck for dust abatement. He said that the County had been allowed to submit the Resolution which was required with the application at a later date and it will be presented for the Board's consideration in the near future. Ms. Jean Turner, Director of Health and Human Services, thanked the Board and those who participated in yesterday's office tour. Mr. Jeff Thomson, Chief Probation Officer, updated the Board on the proposed closure of DJJ and AB109 impacts.
- Emerg. Serv./Oak Moved by Supervisor Arcularius and seconded by Supervisor Pucci to continue the local
Creek Mud Flows emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.
- District/Pioneer Moved by Supervisor Arcularius and seconded by Supervisor Pucci to re-appoint Ms. Cathy Diane
Cemetery District Corsaro to the Pioneer Cemetery District Board of Trustees to complete a four-year term ending
Board Appts. December 27, 2015. Motion carried unanimously.
- Clerk/Annual DFM Moved by Supervisor Arcularius and seconded by Supervisor Pucci to approve paying DFM
Software License Associates \$12,840 for the Annual DFM Associates Software License Maintenance and Support
Maintenance Fee Fee, contingent upon the Board's adoption of future Budgets. Motion carried unanimously.
- HHS-Soc. Serv./ Moved by Supervisor Arcularius and seconded by Supervisor Pucci to approve the Agreement for
Child Welfare inter-agency adoption services for the provision of Child Welfare Services Adoption activities in
Adoption Activities Inyo County through June 30, 2013; and authorize the Director of Health and Human Services to
sign. Motion carried unanimously.
- Resol. #2012-10/ On a motion by Supervisor Arcularius and a second by Supervisor Pucci, Resolution No. 2012-10
Off Highway Grant titled "A Resolution of the Board of Supervisors of the County of Inyo, State of California,
Application Authorizing the Submittal of the State of California, Department of Parks and Recreation, Off-
Highway Vehicle Grant Application," was approved: motion unanimously passed and adopted.
- HHS-Behavioral Supervisor Cash questioned the decrease of this Contract. Ms. Turner, Director of Health and
Hlth. Serv./NNA Human Services shared Supervisor Cash's concern and explained that the Department is
Contract Amount watching this program funding very closely. Moved by Supervisor Cash and seconded by
Decrease Supervisor Arcularius to approve the FY 2011/2012 V.1 Amended Negotiated Net Amount
contract with the California Department of Alcohol and Drug Programs with the FY 2011-12
Contract amount decreased by \$104,404 for a new amount of \$397,297, and the FY 2012-13
contract amount decreased by \$104,426, for a new total of \$397,297 for a new multi-year contract
total of \$1,296,273; and authorize the Chairperson to sign. Motion carried unanimously.

Resol. #2012-11/
City of Bishop
Election Date
Change

The Clerk of the Board provided the Board with a revised copy of the Resolution respecting the City of Bishop's change of date for its general elections, noting the addition of the term "after the first Monday in November" in the title, in the first whereas paragraph and in the "Now Therefore" paragraph. Moved by Supervisor Cash and seconded by Supervisor Pucci to A) accept the Inyo County Clerk-Recorder's Report on Cost-Effectiveness of Consolidating City of Bishop Municipal Election with Statewide General Election; B) per California Elections Code §10403.5(a), approve Resolution No. 2012-11 titled "A Resolution of the Board of Supervisors, County of Inyo, State of California, Approving City of Bishop Ordinance No. 537 Respecting Moving the Date of the City's General Election to the First Tuesday After the First Monday in November of Even-Numbered Years;" and C) authorize the City of Bishop General Election be consolidated with the Statewide General Election scheduled for November 6, 2012. Motion carried unanimously.

CAO-Exclusive Neg.
Agreement
Extension

The County Administrator, Mr. Kevin Carunchio, explained that the non-binding term sheet is scheduled to be brought back for the Board's consideration and the extension of the Exclusive Negotiation Agreement is required in order to allow the next process to proceed. Supervisor Cervantes reiterated his opposition to the County going into debt to build a consolidated office building in Bishop, calling for an unbiased outside financial analysis of the project and quoting the figure of over \$16,000,000 for the project. Mr. Thaddeus Taylor, Inyo County Resident, presented the Board with a public records act request concerning the project and noted his concerns with the County proceeding with a project like this. Supervisor Cash noted yesterday's tour of the Bishop area office space. She expressed concern for the condition of the buildings that currently house the County's programs, saying "we built a brand new building for our criminals, while we have our employees working in closets." Supervisor Fortney expressed concern with the safety of the buildings, noting the lack of smoke detectors in many facilities. Other areas of concern noted during the discussions included the requirement that the County perform tenant improvements on buildings that we don't own, the County's inability to control increasing lease costs, the costs associated with maintenance on older non-County owned leased properties; controlling escalating utilities costs in older leased facilities. Supervisor Arcularius explained that the non-binding term sheet is the next step in the process which will provide the financial information that the Board will need to help make the decision on whether to proceed with future phases. She went on to explain that she along with three other Board Members were keeping an open mind regarding the project until further information is available. Supervisor Pucci concurred with Supervisor Arcularius, in that he is keeping an open mind on the subject. He went on to explain that what is happening today is the extension of an agreement that will gain us more information so that eventually we can make a decision with the public's notice. He said currently there is no backup for the numbers being provided and that is what is going to be provided and he is looking forward to the discussion on the non-binding term sheet next week. The County Administrator clarified that the preliminary figure that has been used for development purposes has been \$14,800,000 for a lease/purchase option. He said that the discussion centers on short-term lease debt versus long-term lease debt. He confirmed that in the proposal being considered there is an amount per square foot lease improvement figure factored into the price. The Board and Staff continued to discuss the best method to ensure that services are being provided in the most cost effective manner in the Bishop area. Moved by Supervisor Cash and seconded by Supervisor Arcularius to authorize the County Administrator to execute an amendment to the Exclusive Negotiation Agreement for Construction and Leasing of Inyo County Consolidated Office Building between the County of Inyo and Joseph Enterprises extending the Phase I expiration date to June 30, 2012, contingent upon the appropriate signatures being obtained. Motion carried on a four-to-one vote, with Supervisors Arcularius, Cash, Pucci and Fortney voting yes and with Supervisor Cervantes voting no.

Recess/
Reconvene

The Chairperson recessed the regular meeting at 10:00 a.m., to reconvene in open session at 10:10 a.m., with all Board Members present.

Public Defender/
Payments for Past
Services

The County Administrator explained that the request for authority to pay Public Defender invoices for work performed in 2005, 2007 and 2008, was to highlight a problem. He said that the Superior Court Judge was not happy about this situation and steps were being taken to ensure that billings are current. Moved by Supervisor Cash and seconded by Supervisor Arcularius to approve \$14,170 in expenditures to come from the FY 2011-12 Public Defender Budget for professional services that was performed in 2005, 2007, and 2008. Motion carried unanimously.

Integ. Waste/ RCRC ESJPA Representation The County Administrator explained that the new designations for the RCRC-ESJPA were a result of the recent retirement of Mr. Chuck Hamilton who had been the County alternate. Moved by Supervisor Pucci and seconded by Supervisor Cash to A) appoint Supervisor Linda Arcularius as the Delegate and Mr. Jeff Ahlstrom as the Alternate Delegate/Technical Liaison to the regional Council of Rural Counties-Environmental Services Joint Powers Authority (RCRC-ESJPA); and authorize the County Administrator to sign the letter notifying the RCRC-ESJPA of the appointment. Motion carried unanimously.

Parks/Position Request Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the requested positions comes from the General Fund as certified by the Deputy County Administrator, and concurred with by the County Administrator and the Auditor-Controller; B) where internal candidates meet the qualifications for the position of Park and Campground Maintenance Helper, the position 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; and C) approve the hiring of two seasonal Park and Campground Maintenance Helpers at Range PT42 (\$12.10/hr.), with one position for the period of April 1 through September 30, and the other May 16 through November 15, contingent upon the Board's adoption of future budgets. Motion carried unanimously.

HHS-Soc. Serv./ Position Request Moved by Supervisor Arcularius and seconded by Supervisor Cash to A) change the authorized strength by deleting one full-time Registered Nurse position at Range 78 (\$4,997 - \$6,097) and adding one full-time Social Worker I-IV career ladder position at Range 61 (\$3,345 - \$4,062) to Range 69 (\$4,041 - \$4,904); and B) find that consistent with the adopted Authorized Position Review Policy: (a) the availability of funding for the requested position exists 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 position of Social Worker, the position could possibly be filled through an internal recruitment, however open recruitments would be more appropriate to ensure a sufficient number of qualified applicants apply; and (c) approve the hiring of one full time Social Worker I at Range 61 (\$3,345 - \$4,062), or II at Range 64 (\$3,590 - \$4,363), depending upon qualifications. Motion carried unanimously.

Resol. #2012-12/ Bishop Sr. Center Remodel On a motion by Supervisor Cash and a second by Supervisor Pucci, Resolution #2012-12 was adopted A) approving the Bishop Senior Center Recreation Committee to remodel the kitchen at the Bishop Senior Center and B) accepting the donation of the kitchen equipment: motion unanimously passed and adopted.

Resol. #2012-13/ Indy Legion Hall Upgrade On a motion by Supervisor Cash and a second by Supervisor Arcularius, Resolution No. 2012-13 was adopted A) approving the Electrical Services Upgrade to the Independence Legion Hall; B) accepting the donation of the kitchen upgrade; and C) waive Building Permit Fees for Independence electrical services upgrade and electrical connection for electricity to the Locomotive Restoration at Dehy Park: motion unanimously passed and adopted.

P.W./Review of RFP for Town Water Systems The Board discussed the possibility of appointing Members of the Board of Supervisors to a committee to review proposals to operate or lease Inyo County Water Systems. After a lengthy discussion regarding the pros and cons of participating in the review process the Board chose to not appoint any of its members to review the proposals to operate or lease Inyo County Water Systems.

Recess/ Reconvene The Chairperson recessed the regular meeting at 11:05 a.m., to reconvene in open session at 11:10 a.m., with all Board Members present.

P.W./Whitney Portal Rd. Grant App. Mr. Doug Wilson, Interim Public Works Director, provided additional information and further justification for submitting the Whitney Portal Road Rehabilitation Project application for TIGER IV funds. Mr. Courtney Smith, Transportation planner responded to questions regarding the project. Moved by Supervisor Cervantes and seconded by Supervisor Pucci to direct and authorize Staff to submit a Whitney Portal Road Rehabilitation Project application for TIGER IV funds. Motion carried unanimously.

P.W./County
Facilities Waste
Hauling Contract

With regard to the Public Works' Department request to award the bid to and approve the Contract with Madera Disposal Systems (dba Bishop Waste Disposal, Inc.) for trash disposal and recycling services at County buildings and facilities, for the period of March 1, 2012 through February 28, 2015, in an amount not to exceed \$35,858.52 annually for a total Contract amount not to exceed \$107,575.56, Mr. Doug Wilson, Interim Director of Public Works, provided additional information and further explanation on the request. Mr. Dale Comontofski of Preferred Septic, addressed the Board to protest the award of the bid as recommended by Staff. He noted that the two bids were identical because of the floor price that was established by the Board. He said that the recommendation for award was based on the additional recycling opportunities identified by the respondents. He said that in attempting to respond to the RFP, he approached the Sierra Conservation Project, which is a recycling operation located at the County's Bishop-Sunland Landfill, on leased property that is provided at no charge. He said that when he queried Sierra Conservation about them taking his recycling material he was told that they had an exclusive agreement with Bishop Waste and that they would not accept his recycled material. He said that he felt Bishop Waste had an unfair advantage because of this exclusive relationship. The Board questioned staff on the Contract with Sierra Conservation Project, expressing concern with them excluding material. Mr. Patrick Fenton, General Manager of Bishop Waste, addressed the Board to withdraw his relationship with Sierra Conservation from the bid and to say that he will process the recycled material at his facility in Bishop. In responding to a question from the Board Mr. Fenton confirmed that his proposal was submitted taking into consideration the agreement he has with Sierra Conservation Project. The Board, Staff, Mr. Comontofski and Mr. Fenton, continued to discuss the proposals for hauling waste from Inyo County facilities, the unintended consequences of the Board setting of a floor price, the need to revisit the Sierra Conservation Project lease, a desire to see these services rebid with a more definitive recycling component, the possibility of shorter contract periods in light of escalating gasoline prices, the need to provide hauling services for County facilities while this is out for rebid, and how to regulate pricing irrespective of the floor price. It was moved by Supervisor Cash with no second to follow staff's recommendation, to have a follow-up conversation in the Board Room regarding the Sierra Conservation Project's utilization of County property for free and not accepting more than one vendor's recyclables, and to have at a time different than the contract expiration a conversation on how to differentiate when setting a floor price. The motion failed on a roll call vote, with Supervisors Cash and Fortney voting yes, and with Supervisors Arcularius, Cervantes and Pucci voting no. Supervisor Arcularius made a motion to reject the bids and to go out for another RFP for 2 years and to be included in that RFP what the County needs would be for the recycling component and to come forward with an emergency item on the agenda to provide trash pickup in the meantime. After further discussion regarding the contract services, Supervisor Arcularius withdrew the motion. The Board continued to talk about the issues relating to this bid.

Moved by Supervisor Pucci and seconded by Supervisor Arcularius to reject all of the bids and direct that it be rebid as soon as staff can possibly do it. Motion carried unanimously.

Moved by Supervisor Cash and seconded by Supervisor Pucci to find that the need to address the continuation of a contract to provide trash disposal services for County buildings and facilities arose after the Agenda for today's meeting was posted and there is a need for the Board to take action on this item before the next regularly scheduled Board of Supervisors Meeting, therefore this item is added as Agenda Item No. 20C. Motion carried unanimously.

Moved by Supervisor Pucci and seconded by Supervisor Cash to continue the current Contract with Preferred Septic for trash disposal services at County buildings and facilities for a six month period. Motion carried unanimously.

Moved by Supervisor Arcularius and seconded by Supervisor Cash to direct staff to schedule a workshop with Solid Waste and Environmental Health Department to deal with some of the issues identified in this discussion, that we bring back the Contract for Sierra Conservation Project and that we do those two things in relationship to the two upcoming bids so that we have some parameters around them so that we are not here again. Motion carried unanimously.

Recess/
Reconvene

The Chairperson recessed the regular meeting at 1:30 p.m., to reconvene in open session at 2:30 p.m., with all Board Members present.

- Planning/Forest Planning Rule Letter The Planning Director, Mr. Josh Hart, reviewed the draft correspondence regarding the Forest Service Planning Rule. The Board and Mr. Hart discussed the letter, with the Board noting a minor clerical correction. Moved by Supervisor Arcularius and seconded by Supervisor Cash to approve the correspondence regarding the Forest Service Planning Rule, as noted; and authorize the Chairperson to sign. Motion carried unanimously.
- P.W./Tow Broom P.O. Moved by Supervisor Arcularius and seconded by Supervisor Cash to A) approve the purchase of one 2003 Sweepster Tow Broom from Michael Taylor Equipment in the amount of \$5,950; B) authorize the payment of any associated fees/taxes (estimated sales tax \$462, licensing \$100) that may be required to comply with Federal, State, or Local regulations; and C) authorize the Interim Public Works Director or his designee to execute any documents required to complete this equipment purchase. Motion carried unanimously.
- P.W./Diesel Truck P.O. Moved by Supervisor Arcularius and seconded by Supervisor Pucci to A) approve the purchase of one Ford F-350 Super Duty, Diesel Truck from Larry H. Miller, Ford Lincoln Mercury, in the amount \$38,899; B) approve payment of any associated fees/taxes/delivery (estimated sales tax \$3,015, licensing \$300, and delivery \$1,000) that may be required to comply with State and/or Federal regulations; and C) authorize the Interim Public works Director or his designee to execute any documents required to complete this equipment purchase. 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.
- Board Members and Staff Reports The Board Members reported on their activities during the preceding week including an Inyo Associates Meeting, a LORP Meeting, various constituent meeting, an Indian Gaming Committee Meeting, the CSAC Board of Directors Meeting, with a note that CSAC voted to support the Governor's Initiative, the Standing Committee Meeting, an RCRC Meeting, Community Meetings about formation of Fire Safe Councils in Big Pine and Independence, discussion regarding the MOA between CSAC, RCRC and the Forest Service, with a request that the MOA be agendized for the March 20, 2012 Board of Supervisors Meeting, and requests that today's meeting be adjourned in memory of Connie Valdez and Kenneth Partridge.
- Closed Session The Chairperson recessed open session at 3:35 p.m., to convene in closed session, with all Board Members present to discuss and take action as appropriate on Agenda Items 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: Inyo County Probation Peace Officers Association (ICPPOA) – 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: Law Enforcement Administrators Association (LEAA) - Negotiators: CAO Kevin Carunchio and Labor Relations Administrator Sue Dishion; and No. 24A. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Pursuant to Government Code §54956.9(c)** – Decision Whether to Initiate Litigation (one case).
- 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 there were no item discussed in closed session that were required to be reported on in open session.
- Adjournment The Chairperson adjourned today's meeting in memory of Connie Valdez and Kenneth Partridge. The Chairperson adjourned the meeting at 5:15 p.m. to 9:00 a.m., Tuesday, March 13, 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