

MINUTES

County of Inyo Board of Supervisors

March 13, 2012

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:00 a.m., on Tuesday, March 13, 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 and there was no one from the public wishing to address the Board.
- County Department The Chairperson announced the County Department Report period. Mr. Jeff Ahlstrom, Managing
Reports Landfill Engineering, updated the Board on the status revenues for the program. Mr. Brandon Shults, Information Services Director, provided information on the Eastern Sierra Connect Consortium which is being formed in conjunction with the Digital 395 Project to bring broadband capabilities to local residents. Mr. Shults also provided an update on GIS progress, explaining that efforts are being made to reconcile the address databases used by various departments. He explained that currently only about 10% of the databases have the same information. Mr. Doug Wilson, Interim Public Works Director, informed the Board that the Prop 1B project switch has been supported by CTC Staff. Mr. Wilson went on to talk about the Keeler right-of-way issues, saying that the Department will proceed with transferring property to the CSD and then obtaining an easement. He said that he believes this is the best way to handle this situation. Ms. Jean Turner, Director of Health and Human Services, reported on a CWDA Meeting she had attended. She also reported on efforts to create a training consortium to restructuring training opportunities in light of changes in programs, discussions on the reconciling the State Merit System with local recruitment requirements, and a Casey Foundation Meeting. Ms. Kammi Foote, Clerk-Recorder, reported that there had been no local incidents as a result of the "Occupy Recorders" protest.
- Emerg. Serv./Oak Moved by Supervisor Cash and seconded by Supervisor Arcularius to continue the local
Creek Mud Flows emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.
- HHS-First 5/Child Moved by Supervisor Cash and seconded by Supervisor Arcularius to ratify the contract between
Development Serv. the County of Inyo and Lone Pine Unified School District for the provision of Child Development
Contract services for a period from October 1, 2011 to June 30, 2012 in an amount not to exceed \$35,000;
and authorize Chairperson to sign. Motion carried unanimously.
- HHS-Health Serv./ Moved by Supervisor Cash and seconded by Supervisor Arcularius to approve Amendment #1 to
Jail and Juvenile the contract between the County of Inyo and Southern Inyo Healthcare District for the provision of
Medical Provide & nurse practitioner services in addition to Jail and Juvenile Medical Provider and On-Call nursing
On-Call Nursing services per the attached scope of work for the period of April 1, 2012 through June 20, 2013, in an
Services Contract increased contract amount of \$42,375 for a total amount not to exceed \$327,375 and authorize the
Amendment Chairperson to sign, contingent upon approval of future budgets. Motion carried unanimously.
- HHS-Health Serv./ Moved by Supervisor Cash and seconded by Supervisor Arcularius to ratify the 2011/2012
CMSP Budget Cert. Children's Medical Services (CMS) Plan and Budgets and authorize the Chairperson to sign the
Certification Statements. Motion carried unanimously.
- P.W./Transfer Light Moved by Supervisor Cash and seconded by Supervisor Arcularius to authorize the transfer of two
Equipment for L.P. surplus light poles and arms to the Lone Pine School District for use on the Lone Pine Sports
Sports Complex Complex. Motion carried unanimously.

- Water Dept./ Saltcedar Eradication on DWP Land Moved by Supervisor Cash and seconded by Supervisor Arcularius to approve a letter granting the Water Department permission to proceed with Saltcedar removal and treatment on LADWP land in the Lower Owens River Project; and authorize the Chairperson to sign. Motion carried unanimously.
- BofS/MOA between CSAC, RCRC, BLM, and USFS Supervisor Arcularius asked for direction on how the Board would like her to proceed with regard to the Draft MOA Among the USDI Bureau of Land Management, U.S. Forest Service, Pacific Southwest Region and the California State Association of Counties (CSAC) and Regional Council of Rural Counties (RCRC) Representing California County Governing Bodies, scheduled to be voted on during the upcoming RCRC March 14, 2012 RCRC Board Meeting. She explained that she did not believe that this document could harm the County. The Board discussed the disclaimer clause in the agreement. Moved by Supervisor Cash and seconded by Supervisor Pucci to direct the County's RCRC Representative to cast an affirmative vote on this MOA at the RCRC Meeting. Motion carried unanimously. Supervisor Cash noted that she also has her direction for when this item is brought before CSAC for a vote in the Spring.
- GAO-Personnel/ Willdan Contract Amendment The County Administrator, Mr. Kevin Carunchio, provided introductory remarks regarding the Willdan Contract Amendment for professional engineering and management services. He responded to a question from Supervisor Cervantes, explaining that while there may be other contractors that provide these services, the continuity and departmental experience, provided by this Contractor is invaluable and provides the County with the most cost effective means of obtaining these services. Supervisor Arcularius also noted that there is a cost to the County's General Fund should the County be unable certify the required qualifications currently provided by this outside Contractor as the search for a new Public Works Director continues. Moved by Supervisor Arcularius and seconded by Supervisor Pucci to A) Amend the FY 11/12 County Budget as follows: increase appropriation in Personnel Budget (010800), Object Code 5265, Professional Services by \$200,000 and reduce the Personnel Budget (010800), Object Code 5901, Contingencies by \$200,000; and B) Request Board approve Amendment #2 to the contract between the County of Inyo and Willdan Engineering for the provision of professional engineering and management services as the Acting Director of Public Works, increasing the contract amount by \$200,000 to \$489,000 and changing the contract term date to end March 31, 2013, and amend the Schedule of Travel and Per Diem Payment attachment language, contingent upon adoption of FY 12/13 Budget, contingent upon obtaining appropriate signatures, and authorize the Chairperson to sign. Motion carried unanimously.
- Resol. 2012-14/ CAPP App for Water Trucks On a motion by Supervisor Cash and a second by Supervisor Pucci Resolution No. 2012-14 was approved authorizing the submittal of an application for Clean Air Projects Program (CAPP) funding in the amount of \$155,000, to the Great Basin Unified Air Pollution Control District, to be used for the purchase of two (2) water trucks for Inyo County Landfill operations: motion unanimously passed and adopted.
- P.W./Position Request Moved by Supervisor Pucci and seconded by Supervisor Cervantes to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the requested position comes from the Public Works Budget, as certified by the Interim Public Works Director, and concurred with by the County Administrator and the Auditor-Controller; B) where internal candidates meet the qualifications for the position of Administrative Secretary, the vacancy could possibly be filled through an internal recruitment, but an open recruitment would be more appropriate to ensure qualified applicants apply; and C) approve the hiring of one Administrative Secretary Range 56 up to Step E (\$2980-\$3618) depending on the qualifications. It is requested the Department have the ability to have an open recruitment to fill the position. Motion carried unanimously.
- P.W./Speiss Contract Amendment for Electrical Upgrade Project Moved by Supervisor Cash and seconded by Supervisor Arcularius to A) ratify a contract Amendment to the construction contract between the County of Inyo and Speiss Construction, Inc., for an amount not to exceed \$827,401 to cover the cost of additional work items requested by the Superior Court and Public Works Department for the Inyo County Electric Upgrade Project, and authorize the Chairperson to sign; *(2/3's vote required Public contract Code §20135)*; and B) require Board approval of any future contract amendments, including those which may be approved by the Director of Public Works under the Public Contracts code; and C) increase estimated revenue in Object Code 4599, Other Agencies by \$5,700 *(4/5's vote required)* for the FY 2011-12 Electrical/Financial Upgrade Budget Unit (011805). Motion carried unanimously.

BofS/Minutes The Clerk noted a change on the minutes of February 14, 2012 meeting on page three, third paragraph, first line, changing the spelling of “Tatum” to “Taton.” Supervisor Arcularius indicated that she thought there might be another slight correction and asked if she could notify the Clerk of the proposed change once she has an opportunity to check her copy which was not with her at the present time. Moved by Supervisor Arcularius and seconded by Supervisor Cash to approve the minutes of the Board of Supervisors Meetings of A) February 14, 2012; B) February 21, 2012; and C) Special Meeting of February 27, 2012, with the corrections as noted. Motion carried unanimously.

**Recess/
Reconvene** The Chairperson recessed the regular meeting at 8:50 a.m., to reconvene in open session at 9:03 a.m., with all Board Members present.

**Board Members and
Staff Reports** The Board Members reported on their activities during the preceding weeks, including a detailed report on the Washington D.C. trip to attend the NACo Legislative Conference; and a Sustainable Forest Meeting in Sacramento. The Chairperson continued the Reports to later in the meeting in order to proceed with the 9:30 discussion on the non-binding Term Sheet for a consolidated office building in the Bishop area.

**CAO-Consolidated
Office Building Non-
Binding Term Sheet** The County Administrator, Mr. Kevin Carunchio, provided opening remarks regarding the request for consideration of a non-binding term sheet for the proposed consolidated office building in the Bishop area. He went on to provide historic information on the project, including reviewing the timeline for the current process which began in 2007.

Mr. Carunchio turned the discussion over to the County’s Consultant on the project, Mr. Allan Kotin, an instructor at USC and one of the leading experts on public/private partnerships, who made a detailed presentation to the Board regarding the project. He highlighted the Exclusive Negotiation Agreement (ENA) and the sequence of events that are to be followed as a result of the ENA, and presented an overview of the non-binding term sheet, as well as term sheet specifics, cost assumptions, analysis and comparisons, financing and short term and long-term savings expectations.

At the conclusion of Mr. Kotin’s remarks, he introduced Mr. Steve Joseph who reviewed the Development and Project Team with the Board. Mr. Joseph and Mr. Scott Piercey of Joseph Enterprises discussed their role on the Team, assuring the Board that they were going to ensure that local vendors and contractors be used for the project as much as possible. Mr. Jeff Shepard and Mr. Wayne Lamb, representatives of the Development Partners, Inyo County Development LLC, addressed the Board to share their role in the project. Mr. Shepard also reviewed the roles of the General Contracting and Construction Partners, KPRS, and the Design and Architectural Partners, Ware Malcomb.

Mr. Dan Stone of the Owens Valley Contractors and Vendors Association, addressed the Board to support the project and to thank Joseph Enterprises for looking out for the best interest of the local contractors and vendors to provide services for the project. Mr. Russ Aldridge of Aldridge Plumbing and Heating, expressed concern with the County entering into debt for a project of this magnitude. Mr. Aldridge also suggested that the public meeting in Bishop regarding this project be held on a Saturday so that people didn’t have to take off from work to participate. Mr. Jeff Griffith, Bishop City Council Member, addressed the Board to say that he felt the savings for this project were attractive and to ask where the initial \$2-million payment for a building would come from. The County Administrator provided that it would come from funds identified in the appropriate budget, noting some of the various funds, i.e., Geothermal Royalties and the Criminal Justice Trust funds that could be used for this project. He noted that there is no expectation of a need to utilize either the Economic Stabilization or General Reserve funds for the project. Supervisor Arcularius provided additional information regarding the caution in which this Board and past Board’s of Supervisors have been proceeding with consideration of a consolidated office building in the Bishop area. She noted that the County has recently retired a long-term debt for building the new Jail in Independence, which leaves the debt service payment which the Board has anticipated rolling over for a future capitol project. She sited nearly twenty-years of discussions and consideration, over which one of the primary reasons for not proceeding was management of the County’s debit service and increasing the General Reserve and Economic Stabilization accounts. She said that she believes this Board and previous Board’s of Supervisors have managed the County’s debt requirements over the years, with leadership and accountability.

The individual Board Members provided comment on their positions regarding proceeding with the next step in the consideration of a consolidated office building in the Bishop area. Supervisors Arcularius, Cash, Pucci and Fortney reiterated their support for continuing the process to the next step which was the non-binding term sheet that was being discussed and considered today. In their discussions the Board Members noted the need to control escalating lease and lease improvement costs both for the short-term and the long term, the need to provide safe and adequate space for the County to provide services to the public, that this processes is an open and public process that encourages public input, a need to economize building operations and maintenance, a need to control future escalating utility costs, the need for further information regarding all aspects of this proposal prior to a decision being made, that the project developers will be responsible for the cost of the design plan, and the fact that the Board is not approving any project at this time, it's simply garnering the information needed to make an informed decision. Supervisor Cervantes reiterated his opposition to the project, noting that he does not believe it is the time for the County to enter into debt, that he believes the facilities currently housing County operations in the Bishop area are adequate, and that if the County relocates to its own building there will be many vacant buildings left in the Bishop area.

Moved by Supervisor Cash and seconded by Supervisor Pucci to (a) approve a non-binding Term Sheet between Inyo County and Inyo County Development, LLC, (Developer) delineating the terms for build-to-suit lease and property exchange agreements for an Inyo County Consolidated Office Building Project in Bishop, California; and, (b) authorize staff to proceed to work with the Developer, at the Developer's sole expense, to complete the non-binding Design Review process identified as Phase 1B in the Exclusive Negotiation Agreement for Construction and Leasing of Inyo County Consolidated Office Building between the County of Inyo and Joseph Enterprises. Motion carried on a four-to-one vote, with Supervisors Arcularius, Cash, Pucci and Fortney voting yes, and with Supervisor Cervantes voting no. At the conclusion of the motion, Supervisor Arcularius requested that when the public meetings are scheduled that the meeting in Bishop be scheduled for a non-weekday.

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.

BofS/Amargosa
Conservancy

Mr. Brian Brown representing the Amargosa Conservancy updated the Board on the organization and its activities. Items noted in the presentation were a groundwater study, the "pocket park" in Beatty, tamarisk removal projects, reports on many development projects in the area, a grant application for a study on providing potable drinking water for Tecopa, and the weekend tours and talks which highlight may of the area sites.

Recess/
Reconvene

The Chairperson recessed the regular meeting at 11:50 a.m., to reconvene at 12:30 p.m., in a workshop, with all Board Members present.

CAO/Workshop w/
Staff on the Hidden
Hills Solar Energy
Generating System
Project

The Board convened in a workshop with the following Departments; County Administrator; County Counsel; Planning; Water; Sheriff; Agricultural Commissioner; Health & Human Services; Assessor; Information Services; Solid Waste; and Motor Pool to: A) review the regulatory framework in which renewable energy facilities are permitted in the State of California; B) receive an update regarding the status of the Hidden Hills Solar Energy Generating System (HHSEGS) project, proposed by Bright Source Energy in the Charleston View area, in the California Energy Commission's (CEC) permit process; C) discuss the County statutes, ordinances, and regulations that are applicable to the HHSEGS project, including the County General Plan, Zoning Ordinance, and Title 21 (Renewable Energy Development), and would be enforced by the County if not for the CEC's sole permitting authority; and, D) understand the preliminary cost estimates that County departments have identified regarding the construction impacts and operation impacts that the HHSEGS will have on County programs and services based on the information disclosed by Bright Source Energy, and how those costs could change based on additional information or alternative scenarios. The Fire Chief for the Southern Inyo Fire Project District, Mr. Brian Brown of the Amargosa Conservancy, and Mr. Jim Stroh of Independence, also addressed the Board on the project. The Chairperson recessed the workshop at 2:20 p.m., to reconvene in open session at 2:30 p.m., with all Board Members present.

CAO/Bright Source Energy Presentation Representatives of Bright Source Energy made a presentation to the Board of Supervisors regarding its proposed Hidden Hills Solar Energy Generating System (HHSEGS) project in the Charleston View area. Mr. Joseph Desmond said the project will bring jobs to the County. He said that the County would have an increase in its property tax of 23%. Supervisor Cash clarified the amount by explaining of the \$3.9 million referenced by Mr. Desmond, the County and special districts would only receive about \$1.3 million of that. The Bright Source representatives went on to discuss the technology that was being used for the project, to highlight the exact location of the project in relation to Inyo County and the State of Nevada, CEQA mitigations, information that is available on the California Energy Commission's (CEC) website regarding the project, many of the key issues they have identified, what they have identified as socioeconomic benefits of the project, the upcoming meeting schedule, the County's General Plan process, and the CEC decision. The Board and the Bright Source representatives discussed the project in great detail and at length with the Board questioning the information provided as it relates to the impact to the County. At one point in the discussion Supervisor Arcularius asked the following question about mitigation. *"Will the County be aware of what issues have been mitigated and to what extent?"* Mr. Desmond responded *"Yes. The idea was to allow that to inform the process. This does not contemplate requesting an override. You will see those recommendations. That's why I said Commissioner, I can't commit until we see where we are. Obviously it's a final staff assessment. But the difference between the final staff and then the final CEC decision, there's an opportunity again to weigh in."* Supervisor Cash asked Mr. Desmond if he could commit that the project will not harm the taxpayers of Inyo County. Mr. Desmond responded: *"I think that's a fair statement. It is designed to provide a benefit to the community. Those benefits take into consideration all the required mitigation. Yes."* Supervisor Cash asked for clarification on who is making the requirements. Mr. Desmond responded *"Required by the CEC and then identified and informed by the County Staff and the County Commission."* The Board and Bright Source representatives continued to discuss the project and its impacts to Inyo County. The Board noted the over \$11-million of impacts identified by Staff in the previous workshop in comparison to the \$1.3 million in taxes the County will share with special districts, noting this is irrespective of the \$100-million it will take to reconstruct Old Spanish Trail so that it can withstand the construction traffic. The Board continued to discuss the project. The following members of the public addressed the Board to comment on the project. Mr. Brian Brown of China Ranch, Mr. Stephen Scow, an attorney from Las Vegas representing the Mary Wiley Trust, and Mr. Jim Stroh of Independence.

Board Members and Staff Reports The Board Members continued to report on their activities during the preceding week, including the Sierra Cascade meeting in Sacramento, a Mental Health Advisory Board Meeting, a Cattlemen's Association Meeting, the Death Valley Brunch, the meetings regarding information on forming Fire Safe Councils in Big Pine and Independence, and Strategic Visioning meeting.

Public Comment The Chairperson announced the second public comment period and Mr. Jim Stroh of Independence addressed the Board to suggest more breaks during these types of long meetings.

Adjournment The Chairperson adjourned the regular meeting at 4:35 p.m., to 9:00 a.m., Tuesday, March 20, 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: _____