

MINUTES

County of Inyo Board of Supervisors

June 19, 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, June 19, 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. Mr. Bruce Cotton of Lone Pine addressed the Board to say that he supports the Board and the efforts to establish an Adventure Trails System in Inyo County. He said that as a disabled Vietnam Vet freedom to access the open spaces is important and the Adventure Trails System will provide that opportunity to the disabled.
- County Department The Chairperson announced the County Department Report period. Mr. Doug Wilson, Interim
Reports Public Works Director, updated the Board on the energy upgrade project. He said that the Department is working on a fix for the problem with the audio system in the Board Chambers that arose after the fixture replacements were completed. Mr. Wilson also reported on the status of the RFP for the Water Systems Operation, explaining that the Department is currently reviewing the responses to the RFP. He went on to report on the flood that had occurred last night as a result of a broken drinking fountain in the upper floor of the Annex Building. He said that the flood had caused damage to some of the floor tiles in the Planning Department and the ceiling tiles in Information Services. The County Administrator reported that the flooding had been contained to the front office of Information Services and that none of the major electronics had been damaged. The Agricultural Commissioner, Mr. George Milovich, reported that he had a meeting with various stakeholders regarding emergency operations that may be needed as a result of the extremely dry conditions and Fourth of July activities that may occur throughout the County. Ms. Kammi Foote, Clerk-Recorder, updated the Board on AB 2299 which would allow for peace officer information to be redacted from public records. Ms. Foote reported that the bill had passed the Assembly with little opposition and that it was held in Committee on the Senate side. She said the action by the Senate would result in the legislation not being moved forward. Ms. Foote also updated the Board on the status of the restoration of old records project, reporting that the books have been duplicated and returned in the book format in a restored and protected condition.
- Introduction Mr. George Milovich, Agricultural Commissioner, introduced Mr. Chris Wickham, Mosquito Program Manager in the Agricultural Department, to the Board.
- Emerg. Serv./Oak Moved by Supervisor Cash and seconded by Supervisor Pucci to continue the local emergency as
Creek Mud Flows a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.
- CAO-Personnel/
Gooch Consulting Moved by Supervisor Cash and seconded by Supervisor Pucci to ratify and approve the Contract
Contract between the County of Inyo and Gooch Consulting for the provision of executive recruitment services, for the period of June 5, 2012 through June 30, 2013, in an amount not to exceed \$15,000, contingent upon the Board's adoption of a FY 2012-13 budget; and authorize the Chairperson to sign. Motion carried unanimously.
- Ag. Comm./SCI Moved by Supervisor Cash and seconded by Supervisor Pucci to declare SCI Consulting Group a
Consulting Contract sole source provider of Mosquito Program assessment services and approve the Contract between the County of Inyo and SCI Consulting Group for the administration and levying of the 1998 Owens Valley Mosquito Abatement Program Assessment and 2005 Mosquito Control and Disease Prevention Assessment, for the period of July 1, 2012 through June 30, 2015, in an amount not to exceed \$37,500, 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.

- P.W./City of Bishop Office Space Lease Moved by Supervisor Cash and seconded by Supervisor Pucci to approve the Lease between the County of Inyo and the City of Bishop for County office space located at 301 West Line Street, for the period of July 1, 2012 through June 30, 2013, including two one-year options to extend the Lease, at the rate of \$3,698.37 per month, contingent upon the Board's adoption of future budgets; authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained; and authorize the Public Works Director to sign the one-year options to extend, contingent upon there being no change in the lease terms. Motion carried unanimously.
- P.W./Nichols Consulting Contract Amendment Moved by Supervisor Cash and seconded by Supervisor Pucci to approve Amendment No. 5 to the Contract between the County of Inyo and Nichols Consulting Engineers, Chtd. (NCE) for the Pavement Management Program, to extend the Contract to an ending date of June 30, 2013, contingent upon the Board's adoption of a FY 2012-13 budget; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
- P.W./Christensen L.P. Office Space Lease Moved by Supervisor Cash and seconded by Supervisor Pucci to approve the Lease between the County of Inyo and Donald Christenson, M.D., for real property described as 380 N. Mt. Whitney Drive, Lone Pine, CA, for the period of July 1, 2012 through June 30, 2013, including two one-year options to extend, at the rate of \$2,663 per month, with a maximum 5% increase per year for each one-year option exercised by the County, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign. Motion carried unanimously.
- P.W./Layne Trust Office Space Lease Moved by Supervisor Cash and seconded by Supervisor Pucci to approve the Lease between the County of Inyo and Connie and Michael Layne Trust for real property described as 162 Grove Street, Bishop, CA, for the period of July 1, 2012 through June 30, 2013, including two one-year options to extend, at the rate of \$5,700 with a 5% increase per year for each of the one-year option exercised by the County, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign. Motion carried unanimously.
- Clerk-Elections/ Statement of Votes Cast 6-5-12 Moved by Supervisor Cash and seconded by Supervisor Pucci to order accepted the Statement of All Votes Cast at the Presidential Primary Election held June 5, 2012 and declare elected those offices under their jurisdiction for this election, and declare passed or failed those measures under their jurisdiction for this election, according to the number of votes for each as shown on the Statement of All Votes Cast. Motion carried unanimously.
- Planning/ Geoscience Consultants Contract Amendment Moved by Supervisor Cash and seconded by Supervisor Pucci to approve Amendment No. 5 to the Contract between the County of Inyo and Geoscience Consultants, LLC, for the provision of volcanic hazard studies, to change the ending date of the Contract from June 30, 2012 to August 1, 2012, to change the date in Task 3 for the submission of the final paper regarding the Rhyolitic Study in the Greenwater Mountains from June 30, 2012 to August 1, 2012, to make the necessary wording changes to the schedule of fees (the changes do not increase the Contract compensation); and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
- Water/Ecosystem Contract The request to approve the Contract between the County of Inyo and Ecosystem Sciences for the provision of Biological Resources Consulting services was pulled from consideration at the request of the Department.
- Planning/4th District Planning Commissioner Appointment Supervisor Fortney offered his thanks and gratitude to Mr. Rich White who had recently resigned as the 4th District Planning Commissioner after many years of service. He also thanked Mr. Ross Corner for his interest in serving on the Planning Commission, representing the 4th District. Supervisor Fortney stepped down as Chairperson in order to make the following motion. Moved by Supervisor Fortney and seconded by Supervisor Pucci to appoint Mr. Ross Corner as the Fourth District Planning Commissioner, to complete an unexpired four-year term ending January 4, 2013. Motion carried unanimously. At the conclusion of the item, Supervisor Fortney resumed as the Chairperson.
- Planning/Forest Plan Update Mr. Josh Hart, Planning Director, provided a review of staff's recommendation's regarding the County's priorities for the Inyo National Forest Plan Update/Revision. The Board and Mr. Hart discussed the priorities with the Board emphasizing the need for federal agencies to recognize the role of the Boards of Supervisors as the elected representatives and voice of the people. The Board also talked about how important it is that locally elected governing bodies not be considered stakeholders and that it is appropriate that more weight is given to their input as the representatives of the people than to other groups and organizations that may be considered stakeholders.

The Board and Mr. Hart discussed the importance of protecting public access, grazing, public safety, search and rescue, as well as fire management on Forest lands. Additionally, Supervisor Fortney asked that the word "gathering" be included in the letter since it is an important aspect of the Native American culture. Mr. Hart also provided further explanation and justification for entering into a Contract with Willdan Engineering for planning services in conjunction with the Forest Plan Update. Moved by Supervisor Arcularius and seconded by Supervisor Cash to A) after discussion with Staff of the impending Inyo National Forest Plan Update/Revision, concur with the draft preliminary County priorities for the Update/Revision effort, and authorize the Chairperson to sign correspondence detailing the priorities as amended to include the items discussed; and B) declare Willdan Engineering a sole source provider of planning services and approve the Contract between the County of Inyo and Willdan Engineering for the provision of planning services for the period of July 1, 2012 through June 30, 2014, in an amount not to exceed \$50,000, 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.

County Counsel/
James Agreement

Mr. Randy Keller, County Counsel, provided additional information regarding the request to contract with Mr. Greg James for legal services. He said that Mr. James has kept his rates artificially low for the benefit of the County, saying that Mr. James is one of the foremost experts on environmental water law in the Country and the County is extremely fortunate that he is willing to provide his services at such a low rate. Moved by Supervisor Cervantes and seconded by Supervisor Cash to approve the Agreement between the County of Inyo and Gregory L. James, Attorney at Law, for the provision of water/environmental Attorney services to the Water Department for the period of July 1, 2012 through June 30, 2013, at the rate of \$155 per hour of legal services except travel time which will be paid at \$50 per hour, in an amount not to exceed \$60,000, contingent upon the Board's adoption of a FY 2012-13 budget; and authorize the Chairperson to sign. Motion carried unanimously.

County Counsel/
James Agreement

Mr. Randy Keller, County Counsel, provided additional information regarding the request to contract for legal services for the Yucca Mountain Repository Licensing Proceedings with Mr. James. Mr. Keller explained that there are some loose ends that still need to be concluded with regard to the closure of Yucca Mountain and that Mr. James has been the County of Inyo's lead during this process. Mr. Keller again noted that Mr. James has kept his hourly rate artificially low for the benefit of the County. Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to approve the Agreement between the County of Inyo and Gregory L. James, Attorney at Law, for the provision of legal services to the County related to the Yucca Mountain Repository Licensing Proceedings before the Nuclear Regulatory Commission, and related Court actions, for the period of July 1, 2012 through June 30, 2013, at the base rate of \$185 per hour, as further set forth in Attachment B, with travel time paid at \$50 per hour, in an amount not to exceed \$25,000, contingent upon the Board's adoption of a FY 2012-13 budget; and authorize the Chairperson to sign. Motion carried unanimously.

County Counsel/
James Agreement

The County Administrator, provided additional information and further justification for contracting with Mr. James for legal services. He explained that Mr. James is assisting in making the case to the CEC regarding impacts to the County associated with the Bright Source Hidden Hills Solar Generating Project. Mr. Carunchio noted that Mr. James has kept his rates artificially low for the benefit of the County. Moved by Supervisor Cash and seconded by Supervisor Cervantes to approve the Agreement between the County of Inyo and Gregory L. James, Attorney at Law, for the provision of water/environmental Attorney services to the County Administrator, for the period of July 1, 2012 through June 30, 2013, at the rate of \$155 per hour, with travel time paid at \$50 per hour, in an amount not to exceed \$30,000, contingent upon the Board's adoption of a FY 2012-13 budget; and authorize the Chairperson to sign. Motion carried unanimously.

GAO-Adv. Co.
Resc./Comm.
Project Sponsorship
Grants

Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to authorize final payments for completed Community Project Sponsorship Grant Projects as follows: to the Lone Pine Chamber of Commerce - \$2,500 for the Wild Wild West Marathon and \$1,000 for the Spring Jam Concert; and to the Bishop Area Chamber of Commerce & Visitors Bureau - \$1,750 for the 2012 Rainbow Days Trout Display and \$3,750 for the 2012 Blake Jones Trout Derby. Motion carried unanimously.

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.

E. Health/DOJ ADA Regs Public Swimming Pools Mr. Marvin Moskowitz, Environmental Health Director, provided additional clarification and further information regarding his report last week that the DOJ is requiring public pools to comply with its ADA compliance regulations by January, 2013. He said that the DOJ is requiring that public pools have lifts installed so that the handicapped may have access. Mr. Randy Keller, County Counsel, provided clarification on the County's ability to enforce the regulations. He said that the ADA is a Federal law and as such the County has no ability to enforce it. Mr. Moskowitz noted two areas where the new regulations are in conflict with the State pool regulations: (1) DOJ is requiring the lifts be installed on the side of the pools where California Code requires a 4 ft. wide clear area around public pools and (2) DOJ is requiring that latches on gates be lowered to provide for wheelchair access and the California Code requires self closing/self latching gates with latches high enough to prohibit child access. The Board and Mr. Moskowitz also discussed that the DOJ regulations qualify requirements of meeting this regulation with "if achievable." The Board and Mr. Moskowitz continued to discuss the implications of this regulation on the County, other agencies and the area motels and hotels with pools. Mr. Jeff Griffiths, Bishop City Councilman, said that the City had installed a portable lift at the City Pool early in the year. The Board and Mr. Moskowitz addressed adding this to the legislative platform, with Mr. Moskowitz being asked to make sure that the next time the Legislative Platform is updated that an item be included addressing pool regulations.

CAO-Budget/Prelim. Budget FY 2012-13 The County Administrator briefly reviewed the process whereby the County adopts the prior year Board Approved budget with adjustments as its subsequent year's Preliminary Budget, which will provide for the continuance of County operations until the Board considers and adopts a final budget in September. He talked about the financial condition of the County, briefly addressing the use of fund balance. He said that there is one walk on amendment that he would like to have included to fund the electrical upgrade at the Eastern Sierra Regional Airport, which is the addition of \$500,000 in Eastern Sierra Regional Airport Budget Unit 630303, as follows: \$450,000 in Federal Grants (*Revenue Code #4555*); \$22,500 in State Other (*Revenue Code #4499*); \$27,500 in Intergovernmental Charges (*Revenue Code #4824*); and the addition in appropriations of \$500,000 in Construction in Progress (*Object Code #5700*). Moved by Supervisor Cash and seconded by Supervisor Cervantes to A) adopt the Fiscal Year 2010-2011 Board Approved budget as amended above as the Preliminary Budget for Fiscal Year 2012-2013 and approve the fixed assets as recommended by staff. Motion carried unanimously.

BofS/Minute Approval The Clerk asked that the reference to TOT on pages 1 and 5 be changed to Sales Tax. Moved by Supervisor Pucci and seconded by Supervisor Cash to approve the minutes of the June 5, 2012 Board of Supervisors Meeting, as amended. Motion carried unanimously.

Board Member and Staff Reports The Board Members reported on their activities during the preceding week, including various constituent meetings, Old West Days in Shoshone, the California State Rodeo Championships, a COG Meeting, SNC update, notification that Praxis has confirmed that Round Valley School will get a Digital 395 link, information on the Southern California Energy Summit including notification that Inyo County is co-partnering the event, an ESTA Meeting, information on a change in the rate structure for RCRC dues and that Inyo County's dues are going down, Big Pine and Independence Fire Safe Council Meetings, and an upcoming LTC Meeting. The County Administrator reminded the Board of the upcoming CEC Workshop to be held in Bishop next Wednesday on the impacts to the County from the Hidden Hills Solar Power Generating Project.

Recess/Reconvene The Chairperson recessed the regular meeting at 11:28 a.m., to reconvene in open session at 11:35 a.m., with all Board Members present.

Ag. Comm./O.V. Mosquito Program Assessments The Chairperson opened the public hearing at 11:35 a.m., on the proposed continuation of the assessments for the "Owens Valley Mosquito Abatement Program Assessment" and the "Mosquito Control and Disease Prevention Assessment" to receive public input on the proposed continuation of the assessments, the proposed assessment budget for Fiscal Year 2012/2013, the services and programs, the assessments fund, and any other issues related to the assessments. Mr. George Milovich introduced a representative of SCI, the consultants that help with the assessments, who reviewed the Staff report and identified the percentages and amounts of increases relating to the assessments. There was no one from the public wishing to address this issue and the Chairperson closed the public hearing at 11:40 a.m.

Resol. #2012-23/ Mosquito Program Assessments	On a motion by Supervisor Cash and a second by Supervisor Cervantes, Resolution No. 2012-23 was enacted, approving the Engineer's Report, confirming the diagram and assessments for FY 2012-2013 for the "Owens Valley Mosquito Abatement Program Assessment" and the "Mosquito Control and Disease Prevention Assessment," and ordering the services and levying the assessments for FY 2012-2013 for both programs. Motion carried unanimously. At the suggestion of the Treasurer-Tax Collector, Ms. Alisha McMurtrie, regarding providing the report to the public, Supervisor Cash requested that the report be put on the County's web page and linked to the Treasurer's website.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 11:45 a.m., to reconvene in open session at 1:00 p.m., with all Board Members present.
Forest Serv./Forest Service T. Tooke, Dir. Of Ecosystem Management	U.S. Forest Services Representatives, Mr. Ton Tooke, Director of Ecosystem Management for the U.S. Forest Services, Mr. Ed Armenta, Inyo National Forest Supervisor, Mr. Joe Stringer and Ms. Nancy Upham, participated in a discussion with the Board concerning the new Forest Planning Rule and its implementation on the Inyo National Forest as well as other issues of mutual interest. The Board and Mr. Tooke had a lively discussion regarding the Forest Planning Rule. Mr. Tooke explained that the Inyo Forest is one of only a few forests that are operating with a planning rule that is more than 20 years old. He provided an extensive review of what is hoped to be accomplished with the new rule, i.e., resource protection, restoration, species viability, best science practices, sustainable recreation, sustainable forests, habitat protection, etc., which will provide the Forest Service the ability to operate the forests more efficiently and cost effectively through balanced adaptive management. He shared an example of an antiquated requirement under the old rule wherein the Forest Service is required to maintain viable populations of every species, noting that in the new rule criteria will be established, i.e., identify the species that are present. In response to a question from Supervisor Cash, Mr. Tooke confirmed that a separate NEPA document will be written for the Inyo National Forest. Supervisor Cervantes discussed his concern with the loss of mineral resources on forest lands. The Board, Mr. Tooke, Mr. Armenta and Mr. Stringer continued to discuss the Inyo National Forest and the Forest Planning Rule, including the CSAC and RCRC MOU, local coordination, and operating agency status. At the conclusion of the discussion the Board thanked Mr. Tooke, and local Forest Service staff for their participation in today's discussion.
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 2:15 p.m., to convene in closed session, with all Board Members present to discuss and take action as appropriate on Agenda Items No. 26. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION [Pursuant to Government Code §54956.9(C)] – Decision whether to initiate litigation (one case); No. 27. 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: Labor Relations Administrator Sue Dishion, Information Services Director Brandon Shults, and Planning Director Josh Hart; No. 28. 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. 29. 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. 30. 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. 31. 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; and No. 31. 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 3:15 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 3:15 p.m., to 9:00 a.m., Tuesday, June 26, 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