



# County of Inyo Board of Supervisors

## July 17, 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, July 17, 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. Supervisor Cash asked that today's meeting be adjourned in Memory of Skip Harvey, a former Mammoth Lakes Councilmember who passed away yesterday.

**County Department Reports** The Chairperson announced the public comment period. Ms. Jean Turner, Director of Health and Human Services, updated the Board on State budget program impacts. Ms. Turner also provided the Board with handouts concerning the ESAAA programs in Inyo and Mono counties. Mr. Jon Klusmire, Museum Services Administrator, provided the Board with final copies of this year's Visitor's Guide. Dr. Bob Harrington, Water Director, advised the Board to requested changes to the Standing Committee meeting schedule. He also informed the Board that he would be conducting a workshop with the Inyo County Water Commission on the McNally ponds prior to the next Standing Committee Meeting.

**Introduction** Ms. Susan Felkel, Administrative Secretary in Public Works, was introduced to the Board.

**Emerg. Serv./Oak Creek Mud Flows** Moved by Supervisor Cash and seconded by Supervisor Arcularius to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.

**District/Bishop Rural Fire District Appointments** Moved by Supervisor Cash and seconded by Supervisor Arcularius to reappoint Mr. Robert Winzenread to the Bishop Rural Fire Protection District Board to complete an unexpired four year term ending July 1, 2016. Motion carried unanimously.

**CAO-Purchasing/Surplus Property** Moved by Supervisor Cash and seconded by Supervisor Arcularius to A) declare certain property recommended by Staff as surplus; B) authorize the transfer of surplus property to other public entities and non-profit organizations; and C) approve the public auction of County surplus equipment not claimed by those entities/organizations on July 26, 2012, at the Building and Maintenance yard located at 136 South Jackson Street, in Independence. Motion carried unanimously.

**Ag. Comm./Mosquito Abatement Chemicals P.O.** Moved by Supervisor Cash and seconded by Supervisor Arcularius to declare Adapco a sole source provider of mosquito abatement chemicals and authorize a blanket purchase order to Adapco for the purchase of mosquito abatement chemicals in the amount of \$75,000 for FY 2012-13, contingent upon the Board's adoption of a FY 2012-13 budget. Motion carried unanimously.

**Ag. Comm./Equip. Parts & Maintenance P.O.'s** Moved by Supervisor Cash and seconded by Supervisor Arcularius to declare Making Valley Cycle & Motorsports, Inc., a sole source provider of equipment maintenance parts and authorize blanket purchase orders to Making Valley Cycle & Motorsports, Inc., for the purchase of parts for equipment maintenance for the Eastern Sierra Weed Management equipment in the amount of \$6,000, and the Owens Valley Mosquito Abatement Program equipment in the amount of \$9,000, contingent upon the Board's adoption of a FY 2012-13 budget. Motion carried unanimously.

**Clerk-Elections/CRiis™ Software** Moved by Supervisor Cash and seconded by Supervisor Arcularius to authorize the payment to AtPac \$10,080 for the annual CRiis™ Software License Maintenance and Support Fee, contingent upon the Board's adoption of a FY 2012-13 budget. Motion carried unanimously.

Probation/Extended Day Program Contract	Moved by Supervisor Cash and seconded by Supervisor Arcularius to ratify and approve the Contract between the County of Inyo and the Inyo County Superintendent of Schools for an Extended Day Program for the period of July 1, 2012 through June 30, 2012, in an amount not to exceed \$21,226.80, contingent upon the Board's adoption of a FY 2012-13 budget and receipt from the California State Controller's office of VLF funds; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
Probation/Delinquency Prevention Program Contract	Moved by Supervisor Cash and seconded by Supervisor Arcularius to ratify and approve the Contract between the County of Inyo and Healthy Communities of Southern Inyo County for a Delinquency Prevention Program for the period of July 1, 2012 through June 30, 2012, in an amount not to exceed \$31,840.20, contingent upon the Board's adoption of a FY 2012-13 budget and receipt from the California State Controller's office of VLF funds; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
Resol. #2012-27/ESTA Parking Lot Notice of Completion	On a motion by Supervisor Cash and a second by Supervisor Arcularius, Resolution No. 2012-27 was approved, accepting the improvements and authorizing the recording of a Notice of Completion for the ESTA Parking Lot Security Lighting & Fencing Project: motion unanimously passed and adopted.
Resol. #2012-28/Window Replacement Notice of Completion	On a motion by Supervisor Cash and a second by Supervisor Arcularius, Resolution No. 2012-28 was approved accepting improvements and authorizing the recording of a Notice of Completion for the Water Department Building Window Replacement Project. Motion carried unanimously.
P.W./C&S Engineers Contract	Moved by Supervisor Cash and seconded by Supervisor Arcularius to approve the Contract between the County of Inyo and C&S Engineers, Inc., for airport engineering services for the period of July 17, 2012 through December 30, 2014, in an amount not to exceed \$97,200 contingent upon the Board's adoption of future budgets and the Federal Aviation Administration's approval of Independent Fee Estimates; and authorize the Chairperson to sign contingent upon the appropriate signatures being obtained. Motion carried unanimously.
P.W./McMurtrie-Tanskley Contract	Moved by Supervisor Cash and seconded by Supervisor Arcularius to approve the Contract between the County of Inyo and McMurtrie-Tanksley, Inc., for sanitary sewer maintenance services in County Service Area #2/Aspendell for the period of July 17, 2012 through July 16, 2015, in an amount not to exceed \$30,000 (\$10,000 per year), 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./Wadell Engineering Contract	Moved by Supervisor Pucci and seconded by Supervisor Arcularius to approve the Contract between the County of Inyo and Wadell Engineering Corporation, for airport engineering services for the period of July 17, 2012 through December 30, 2014, in an amount not to exceed \$99,806, contingent upon the Board's adoption of future budgets and the Federal Aviation Administration's approval of Independent Fee Estimates; and authorize the Chairperson to sign contingent upon the appropriate signatures being obtained. Motion carried unanimously.
Probation/Probation Wk. Proclamation	Moved by Supervisor Arcularius and seconded by Supervisor Pucci to approve a proclamation declaring the week of July 15 through 21, 2012 as Probation, Parole, and Community Supervision Week in Inyo County. Motion carried unanimously.
Water Dept./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 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 position of Seasonal Field Assistant, the vacancies could possibly be filled through an internal recruitment, but an open recruitment would be more appropriate to ensure a sufficient number of qualified applicants apply; and C) approve the hiring of eight Seasonal Field Assistant Is at Range 050PT (\$13,90 - \$16.87 per hour) for the period of October 1, 2012 through April 15, 2013, contingent upon the Board's adoption of a FY 2012-13 budget. Motion carried unanimously.

Water/Position Request	Moved by Supervisor Arcularius and seconded by Supervisor Pucci to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the requested position 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 position of Scientist, the vacancy could possibly be filled through an internal recruitment, but an open recruitment would be more appropriate to ensure a sufficient number of qualified applicants apply; and C) upon the vacancy occurring approve the hiring of one Scientist at Range 80 (\$5,238 - \$6,371). Motion carried unanimously.
Planning/Delisting of California Towhee	Ms. Tanda Gretz, Senior Planner, reviewed the information from staff on the U.S. Fish & Wildlife Service's 90-day finding of a petition to delist the Inyo California Towhee. Supervisor Cash requested that a copy of the letter be sent to Quad State. Moved by Supervisor Cash and seconded by Supervisor Arcularius to approve the correspondence to U.S. Fish & Wildlife Service regarding the delisting of the Inyo California Towhee and authorize the Chairperson to sign correspondence on the proposed delisting. Motion carried unanimously.
Planning/MOU for Saline Valley Warm Springs Management Plan	Mr. Josh Hart, Planning Director, reviewed the letter concerning the Environmental Impact Statement for the Saline Valley Management Plan, as well as the Memorandum of Understanding regarding the NEPA Process for the Plan and the EIS. Supervisor Arcularius asked that the MOU language on page four under the heading <u>Inyo County Roles and Assignment of Issues</u> include a statement regarding government-to-government relationship. She said that she believes that the County of Inyo needs to use our words and definitions as we define our role. Supervisor Arcularius explained that it was not her desire to delay this process. Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to approve the correspondence regarding the Environmental Impact Statement for the Saline Valley Warm Springs Management Plan and the Memorandum of Understanding Amongst the National Park Service, Death Valley National Park, the Bureau of Land Management, Timbisha Shoshone Tribe and Inyo County Regarding the NEPA Process for the Saline Valley Management Plan/EIS with a request to change the language as discussed; and authorize the Chairperson to sign both documents. Motion carried unanimously.
CAO-Advertising County Resources/Comm. Project Sponsorship Grants	Mr. Jon Klusmire, Museum Services Administrator, provided a brief report on each of the completed projects. The Board viewed short videos on the Courthouse, the Mt. Whitney Fish Hatcher, and the Laws Railroad Museum that were a part of the Backyard History video Project. Mr. Jim Marrow of the Laws Railroad Museum and Ms. Tawni Thomson of the Bishop Chamber of Commerce and Visitor's Bureau addressed the Board to thank the County for its continued support of the Community Project Sponsorship Grant Program. Moved by Supervisor Cash and seconded by Supervisor Pucci to authorize final payments for completed Community Project Sponsorship Grant Projects as follows: to the Bishop Museum and Historical Society - \$743.41 for the LOCOMotive Geocache Event, to the Inyo Council for the Arts - \$2,000 for the Arts Inyo Frame Project, and \$200 for the 2012 Student Art Show, to the Bishop Area Chamber of Commerce - \$,500 for the 2012 California High School State Finals Rodeo, \$750 for the 2012 "FAM(Familiarization) Tours", and \$3,750 for the Backyard History Video Project. Motion carried unanimously.
Recess/Reconvene	The Chairperson recessed the regular meeting at 10:00 a.m., to reconvene in open session at 10:12 a.m., with all Board Members present.
BofS/Western Counties Alliance	Mr. Ken Brown of the Western Counties Alliance discussed with the Board issues affecting counties in the Western United States, including Secure Rural Schools funding, wilderness designations and release of WSA's, the Forest Planning Rule, full funding of PILT, and Geothermal Royalties, as well as ways in which the County and the Alliance can work together to address these issues. At the conclusion of his presentation, Mr. Brown thanked the Board for Inyo County's membership in the organization.
COA/Adv. Co. Resources/Comm. Sponsorship Fall Grant Awards	Mr. Jon Klusmire, Museum Services Administrator, reviewed the matrix of applications received for the fall cycle of Community Project Sponsorship Grants. He provided information on the Review Panel and its process in rating and prioritizing the projects. He explained that the Panel had ruled out rating those projects which indicated that if full funding was not provided the project would not move forward. He also explained that the Panel discounted the larger project that was requesting half of the entire funding amount of \$20,000. The Board acknowledged the review Panel and thanked the volunteers who had served on the panel. Supervisor Arcularius explained that she was not wishing to change the recommendations of the Panel, but it was her desire to

understand the rating structure noting the Panel did to not consider a \$10,000 project because it was too much money, but did consider a project that was requesting \$9,200. She also asked if the buses for the Lone Pine Film Festival will move forward with only partial funding or will the grant money be used to fund some other aspect of the Film Festival. The Board and Staff discussed the rating process for these projects. The County Administrator addressed the Board in an attempt to bring clarity to the issue. He suggested that the Board could take another look at the rating guidelines in an effort to refine the process, noting that there will always be the human element to the rating structure that will have subjective and objective aspects to the outcome. The Board discussed this suggestion requesting that a workshop be scheduled in the future for the Board to reconsider the rating guidelines for the Grant applications. Moved by Supervisor Pucci and seconded by Supervisor Arcularius to approve the six Community Project Sponsorship Program Grant awards for the 2012-013 Fall Grant Cycle recommended by the Grant Review Panel and in the amount recommended by the Panel for a total amount of \$20,000, contingent upon the Board's adoption of a FY 2012-13 budget; and authorize the County Administrator to sign the contracts with the various groups, contingent upon the appropriate signatures being obtained. Motion carried unanimously.

Recess/  
Reconvene

The Chairperson recessed the regular meeting at 11:45 a.m., to reconvene in open session at 11:50 a.m., with all Board Members present.

Water/LORP Rec.  
Plan Phase II Scope  
of Work

Dr. Bob Harrington, Inyo County Water Director, provided additional information and further clarification on the Department's request for direction on the LORP Recreational Use Plan Phase II Scope of Work. He said that in the previous discussion regarding the Scope of Work the Board had expressed a desire to eliminate the alternatives that were not feasible and would not be approved. He said it was the hope of the Department that through today's discussion the Board would provide direction on the preferred alternative or preferred combination of alternatives. The Board talked about the concerns of the lessees, as well as the land owners regarding impact to operations and liability issues surrounding increased public use of the LORP. The Board talked about various aspects of the alternatives including not needing designated portals along U.S. 395, that the LORP is a working landscape and habitat, the possibility of kiosk signage to help direct the public away from the private operations and sensitive areas and to the recreational use areas, that boating and kayaking is probably not a recreational use for the LORP because of the low flows, that the LORP should be a self guided experience, that charging a fee would be difficult to manage, there is a desire to keep the LORP a primitive recreational area, and that any structures that may be a part of the recreation area should be rustic in design in keeping with the desire to keep it a primitive recreation area. Dr. Harrington indicated that he felt the Department had sufficient direction to proceed with the development of the Phase II scope of work.

Recess/  
Reconvene

The Chairperson recessed the regular meeting at 12:25 p.m., to reconvene in open session at 1:15 p.m., with all Board Members present.

County Counsel/  
GBUAPCD Contract

Moved by Supervisor Cash and seconded by Supervisor Pucci to approve the Agreement between the County of Inyo and Great Basin Unified Air Pollution Control District for the County Counsel's Office to provide certain legal services to the District during the period of July 1, 2012 through June 30, 2013, for the amount of \$12,500, contingent upon the Board's adoption of a FY 2012-13 budget; and authorize the Chairperson to sign. Motion carried unanimously.

BofS/Minute  
Approval

Moved by Supervisor Cervantes and seconded by Supervisor Pucci to approve the minutes of the June 26, 2012 Board of Supervisors Meeting. Motion carried unanimously.

District/So. Inyo  
Health Care Election  
Consolidation

Moved by Supervisor Cervantes and seconded by Supervisor Cash to consolidate the Southern Inyo Health Care District's General Election with the Statewide General Election to be held on November 6, 2012. Motion carried unanimously.

CAO-Motor Pool/  
Water Truck P.O.

Staff noted that the year of the model truck being recommended for purchase if actually 1986 not a 1971 as noted in the ARF. Moved by Supervisor Cash and seconded by Supervisor Pucci to approve the purchase of a 1986 Ford F350 Truck (fire truck) from the Bishop Rural Fire Protection District in an amount not to exceed \$5,000. Motion carried unanimously.

Planning/Bright  
Source Project  
Comments

The County Administrator explained that the County's comments to the Preliminary Staff Assessment (PSA) prepared by the CEC for the Hidden Hills Solar Electric Generating System (HHSEGS) is formulated in such a way as to reflect what the County would have done if it had been the permitting authority. He noted his continuing dismay that the CEC, its staff, and the project proponents opinions on what the impacts of the project on the County of Inyo's residents and services will be is being given more consideration than the information provided by the County and its Department Heads who are the actual experts on County operations and impacts. The County Administrator requested that the Board focus on the resolution because that is the document that will not be able to be changed as the comments are being finalized. The Board and staff discussed the resolution in detail and at length. The Board authorized staff to make changes to the proposed resolution to reflect the Board's comments and direction including Pg. 4 item D being reworded to assure that the Inyo Mono Agricultural Commissioner will be included in establishment of annual fees for increased off site monitoring; as well as any necessary changes to reflect the amendments contained in the resolution as compared to the PSA. The Board thanked staff for the General Plan matrix that was provided. The Board noted how concise the matrix was and how it made it easy to see where the project stood with regard to meeting the requirements of the County's General Plan. They asked that this be replicated for future projects. The County Administrator went on to talk about the amount of sales tax referenced in the PSA. He explained that the County had offered to have the \$84 million amount noted in the PSA memorialized as a guaranteed amount. He said that there had been unwillingness on the part of BrightSource to agree to that amount. He also noted that the County, by way of the resolution, has requested that CEC include as a condition of certification a guarantee of sales tax revenues to the County of \$84.5 million, which will be secured by a letter of credit. Mr. Carunchio noted that the lack of verification of statements and assessments that are being considered as fact with regard to the projects impact on Inyo County is causing some frustration and a great deal of concern. Ms. Dana Crom, Deputy County Counsel, reviewed the upcoming meeting schedule. The Board and staff continued to discuss the PSA and the resolution.

Moved by Supervisor Cash and seconded by Supervisor Cervantes to approve the County's comments regarding the Preliminary Staff Assessment prepared by the California Energy Commission for the Hidden Hills Solar Electric Generating Station in Charleston View and authorize the Chairperson to sign correspondence, as may be updated by staff up to the July 23<sup>rd</sup> comment deadline. Motion carried unanimously.

Resolution #2012-29/  
HHSEGS Project  
Conditions

On a motion by Supervisor Cash and a second by Supervisor Cervantes, Resolution No. 2012-29 that identifies revised or new findings and conditions of certification that the County would impose if not for the CEC's exclusive jurisdiction and direct staff to transmit to the California Energy Commission with the County's comments, was approved as amended: motion unanimously passed and adopted.

Board Members and  
Staff Reports

The Board Members reported on their activities during the preceding week including the Art Show at the Lone Pine Chamber of Commerce Courtyard which displayed the winners of the Shootout Contest, the Junior Livestock Auction, a Fish and Wildlife Commission Meeting, and a Big Pine Fire Safe Council Meeting.

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 2:20 p.m., to convene in closed session with all Board Members present to discuss and take action as appropriate on Agenda Items No. 30. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(a)]** – Center for Biological Diversity, a non-profit public interest corporation; Public Employees for Environmental Responsibility, a national non-profit alliance of local, state, and federal resource professions, v. Inyo County and Inyo County Board of Supervisors, Inyo County Superior Court Case No. SICVPT 12-53821; No. 31. **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. 32. **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. 33. **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. 34. **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. 35. **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. 36. **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. Supervisor Fortney declared a conflict and left closed session at 3:25 p.m.

Report on Closed Session

The Vice Chairperson, Supervisor Arcularius, serving as Chairperson, recessed closed session at 3:45 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 meeting in memory of former Mammoth Lakes Town Councilman Skip Harvey who passed away yesterday. The Chairperson adjourned the meeting at 3:45 p.m., to 9:00 a.m., Tuesday, August 3, 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*