

MINUTES

County of Inyo Board of Supervisors

SPECIAL MEETING

October 30, 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., in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Marty Fortney presiding, Linda Arcularius, Susan Cash, Rick Pucci, and Richard Cervantes. Supervisor Cervantes provided the Invocation, and Supervisor Pucci led the Pledge of Allegiance.

- Public Comment** The Chairperson announced the public comment period and there was no one from the public wishing to address the Board.
- County Department Reports** The Chairperson announced the County Department Report period. Ms. Jean Turner, Director of Health and Human Services, updated the Board on the CMSP Governing Board Meeting she attended in Sacramento, as well as a meeting on the 4E Waiver Program. The Auditor-Controller, Ms. Leslie Chapman, presented the Board Members with copies of this year's printed budget book. Ms. Kammi Foote, Clerk-Recorder, presented the Board Members with copies of the Clerk's Association Statistical Report. Mr. Doug Wilson, Interim Public Works Director, reported on the Independence Civic Club's meeting regarding the Independence town water rates. Mr. Wilson noted that he believed some of the information provided was inaccurate and explained that the comments ranged from the agreement was not recorded therefore its is not valid to let's move forward to get the rates established at an appropriate level to provide for operation, maintenance and replacement. Mr. Josh Hart, Planning Director reminded the Board of the upcoming dedication of the new Death Valley Visitor's Center, this weekend. Ms. Susanne Rizo, Director of Child Support Services, updated the Board on her department's activities, including upcoming audits, a meeting with the Veteran's Service Officer, as well as court activities.
- Emerg. Serv./Oak Creek Mud Flows** Moved by Supervisor Cash and seconded by Supervisor Cervantes to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.
- Motor Pool/Vehicle Purchases** The County Administrator amended the budget figures noted in the Agenda Request Form, explaining that there was \$295,000 budgeted this year for vehicle purchases and if the Board approves the following purchases there will be a little over \$210,600 remaining. Moved by Supervisor Cash and seconded by Supervisor Cervantes to award the bid for and approve the purchase of the following vehicles from the low bidder Eastern Sierra Motors: one (1) 2013 Ford F150 Regular Cab in the amount of \$26,745.62, one (1) 2013 Transit Connect Van in the amount of \$23,212.85 and two (2) 2013 Ford Focus SE sedans in the amount of \$17,194.37 each. Motion carried unanimously.
- Child Support Serv./Keener Contract Amendment** Moved by Supervisor Cash and seconded by Supervisor Cervantes to approve Amendment No. 2 to the Contract between the County of Inyo and Kristy Keener for Court Reporter services between the County of Inyo to expand the services to include Mono County court services, for the period of October 1, 2011 through June 30, 2013; and authorize the Child Support Services Director to sign. Motion carried unanimously.
- Clerk/Special District Appointments in Lieu of Election** Moved by Supervisor Cash and seconded by Supervisor Cervantes to 1) Appoint nominees listed on the Clerk's Certificates to the office of Director in various special districts; 2) Appoint any qualified person (Dave Doonan and Thomas Noland) to office, as indicated on the Clerk's Certificate, for the Inyo Mono Conservation District on or before November 20, 2012; and, 3) authorize the Clerk-Recorder/Registrar of Voters to issue the "Certificate of Appointment and Oath of Office" documents to respective appointees. Motion carried unanimously.

Resol. #2012-46/ Trailers Notice of Completion	On a motion by Supervisor Cash and a second by Supervisor Cervantes, Resolution No. 2012-46 was approved accepting the improvements for the Shoshone Sheriffs' Trailers HVAC Installation Project and authorize the recording of a Notice of Completion for the Project: motion unanimously passed and adopted.
P.W./DBE Form	Moved by Supervisor Cash and seconded by Supervisor Cervantes to approve the Interim Exhibit 9-B Local Agency Disadvantaged Business Enterprise (DBE) Annual Submittal Form for the 2012-2013 federal fiscal year; and authorize the Chairperson to sign. Motion carried unanimously.
P.W./Road Closure	Moved by Supervisor Cash and seconded by Supervisor Cervantes to approve the closure of Old Hwy 127 the day of November 4, 2012, from 11:00 a.m. to 4:00 p.m., for the purpose of Shoshone Days activities throughout the town of Shoshone. Motion carried unanimously.
P.W./Bishop Library Re-Roofing Project Contract	Moved by Supervisor Cash and seconded by Supervisor Cervantes to award and approve the Contract between the County of Inyo and Graham Prewitt Inc. of Fresno for the Bishop Library Re-roofing Project, in an amount not to exceed \$89,950, and authorize the Chairperson to sign, contingent upon appropriate signatures being obtained; and authorize the Interim Public Works Director to sign all other contract documents, including change orders, to the extent permitted pursuant to Section §20142 of the Public Contract Code and other applicable law. Motion carried unanimously.
Planning/SCE Cost Energy Action Plan Contract Amendment	Moved by Supervisor Cash and seconded by Supervisor Cervantes to approve the First Amendment to the contract between the County of Inyo and Southern California Edison for work on the Cost Energy and Service Efficiencies Action Plan, extending the date of the contract until March 31, 2013 or a later date as determined by the California Public Utilities Commission; and, approve Change Order No. 1 amending the dates for project deliverables, per the existing scope of work, to December 31, 2012 or a later date as determined by the California Public Utilities Commission, and authorize the Chairperson to sign. Motion carried unanimously.
Auditor/Coso Tax Impound	Moved by Supervisor Arcularius and seconded by Supervisor Pucci to authorize the Auditor-Controller to impound \$500,000 of property tax revenue received from Coso Geothermal for FY 2012-13 pursuant to Government Code §26906.1. Motion carried unanimously.
Sheriff/DNA Budget Amendment	Moved by Supervisor Cash and seconded by Supervisor Arcularius to amend the FY 2012-13 DNA Budget Unit 056605 by increasing estimated revenue in Criminal Fines (<i>Revenue Code #4211</i>) by \$10,000 and increasing appropriations in Professional Services (<i>Object Code #5265</i>) by \$10,000. Motion carried unanimously.
HHS-ESAAA/Senior Services Issue Update	Ms. Jean Turner, Director of Health and Human Services, reported that the Ombudsman appeal had been heard by the Department of Aging and the County had not prevailed. She explained it was determined by the State that there were some procedural errors with the RFQ in that the composition of the review panel had not been disclosed, there had been no bidder's conference and the appeal process timeframe. She said that she would be bringing this item back for the Board's consideration of reissuing a revised RFQ or possibly bringing the program in-house. She went on to report on the HICAP meeting she had attended, explaining how the funding was allocated and that Inyo County's services are provided through Riverside County. She updated the Board on Advisory Council Board Member recruitments and the integration of Cal-Fresh Program information with the congregate meals.
P.W./QuakeFinder Equipment	The Interim Public Works Director, Mr. Doug Wilson, provided additional information and further justification to allow earthquake prediction sensor to be installed on County property in Big Pine. Moved by Supervisors Cervantes and seconded by Supervisor Cash to approve the Consent and Waiver for QuakeFinder's utilization of space at the County Farm in Big Pine and authorize the Chairperson to sign the consent and waiver. Motion carried unanimously.
P.W./ESRA Name Change	The Interim Public Works Director, Mr. Doug Wilson, introduced the Northern Inyo Airport Advisory Committee's recommendation that the Eastern Sierra Regional Airport be renamed the Bishop Airport. Mr. Wilson provided a brief history of the original name change from the Bishop Airport to the Eastern Sierra Regional Airport. He went on to explain that the Advisory Committee believes that pilots may have trouble locating the Bishop Airport because it is now called the Eastern Sierra Regional Airport which is geographically ambiguous. He went on to say that Caltrans Division of Aeronautics was supporting having the name of the airport returned to its original moniker, in order to alleviate the confusion when pilots are trying to locate the airport in Bishop.

Moved by Supervisor Cash and seconded by Supervisor Pucci to change the name of the Eastern Sierra Regional Airport to the Bishop Airport and, direct staff to proceed accordingly with the request to the Caltrans Division of Aeronautics. Motion carried unanimously.

P.W./Bishop Airport Approach The Interim Public Works Director, explained that the Northern Inyo Airport Advisory Committee is concerned with the County's policy at the Bishop Airport that requires incoming flights to approach the runway from a banked left position, unless the airport authorizes a straight in approach. He said that FAA rules do not allow straight-in approaches and that the Advisory Committee feels that the larger aircraft flying into Bishop are using an altered approach wherein the pilots begin to bank left near Lone Pine which results in a straight in approach at Bishop, without the prerequisite airport authorization. The Committee believes that this altered approach has resulted in smaller aircraft abiding by the bank left rule and larger aircraft making straight in approaches which is causing some confusion and safety concerns. The Board and Mr. Wilson discussed why the FAA does not authorize straight in approaches at larger airports where there is a great deal of traffic. Mr. Wilson explained that he was seeking authorization to ask the FAA to approve the change to the approach at the Bishop Airport prior to the Board authorizing the change, because without FAA approval the Board does not have the ability to change the approach. Moved by Supervisor Pucci and seconded by Supervisor Cash to approve a request to the Federal Aviation Administration (FAA) to alter the approach to the Bishop Airport, formerly the Eastern Sierra Regional Airport. Motion carried unanimously.

P.W./Deputy Director Pay Step The Interim Public Works Director, Mr. Doug Wilson, provided additional information and further justification to compensate the new Deputy Director of Public Works at the E Step. Moved by Supervisor Cash and seconded by Supervisor Cervantes to approve the appointment of Deputy Director of Public works, Range 88, at the Step E-\$7,740, pursuant to Personnel Rule 5.5 "Compensation for New Employees". Motion carried unanimously.

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

P.W./Amendment 7 to Owenyo Service Contract The Interim Public Works Director, Mr. Doug Wilson, provided additional information regarding Amendment No. 7 to the Contract with Owenyo Services for the operation of the Town Water Systems. The Board discussed the terms of the Contract, including the termination clause. Supervisor Pucci noted that the total amount of this Contract is for a five year period which equates to \$26,000 per month for these services. Moved by Supervisor Cervantes and seconded by Supervisor Pucci to approve Amendment #7 to the contract between the County of Inyo and Owenyo Services for the operation and maintenance of the Independence, Lone Pine and Laws town water systems, extending the term of the contract through June 30, 2013, unless terminated earlier, and increasing the total contract amount not to exceed \$1,942,980.86, and authorize the Chairperson to sign the amendment contingent upon appropriate signatures being obtained. Motion carried unanimously.

Rd. Dept./Diesel Tractor Trucks P.O. The Interim Public Works Director, Mr. Doug Wilson, asked that the Board authorize the purchase of the CARB compliant trucks contingent upon the Department not being able to successfully purchase two alternate vehicles which have been located from a different vendor for less money. Mr. Wilson explained that the authorization to purchase the alternate trucks would be coming to the Board next week for approval. He said that because CARB compliant vehicles are difficult to find he is asking for the contingency language which is simply to protect the County's ability to purchase two CARB compliant trucks. Moved by Supervisor Arcularius and seconded by Supervisor Pucci to A) authorize the purchase of two (2) CARB Compliant Diesel Tractor Trucks in the amount of \$203,354.50 (price includes taxes and other fees) from Bakersfield Truck Center, contingent upon the County being unsuccessful in purchasing two alternate trucks from another vendor, and B) authorize the Interim Public Works Director to execute all related purchase documents as required. Motion carried unanimously.

Rd. Dept./Dump Trailers P.O. Moved by Supervisor Cash and seconded by Supervisor Pucci to A) authorize the purchase of two (2) Semi Bottom Dump Trailers in the amount of \$29,671.79 for each trailer (price includes taxes and other fees) from Charter Sales Co., and B) authorize the Interim Public Works Director to execute all related purchase documents as required. Motion carried unanimously.

Emerg. Serv./D.V. Roadeater Emerg. Continued	The County Administrator explained that the County has still not received word from the Governor regarding the County's request for declaration of an emergency and recommended that the Board continue the emergency. Moved by Supervisor Cervantes and seconded by Supervisor Cash to continue the local emergency, the Death Valley Roadeater Emergency, that resulted in flooding in the eastern portion of Inyo County during the month of August 2012, per Resolution #2012-32. Motion carried unanimously.
Water Dept./LORP Wrk. Pln. Accounting	Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to approve the LORP 2011-12 Work Plan - Annual Accounting Report. Motion carried unanimously.
Water Dept./Great Basin Water Forum	The Board and Dr. Harrington discussed County representation at the Great Basin Water Form. Dr. Harrington noted that the Forum is being held on Tuesday, November 13 th which is a Board of Supervisors Meeting day. He explained that he would be bringing the prioritization for IRWMP projects for the Board's consideration on the 13 th . He also noted that Mr. Greg James would be participating in the Forum which meant the County of Inyo would have representation. Supervisor Arcularius offered to attend contingent upon her attendance not being required at the Board Meeting. Moved by Supervisor Cervantes and seconded by Supervisor Cash to authorize Supervisor Arcularius to attend and represent the County at the Great Basin Water Forum in Carson City, Nevada, on November 13, 2012, at her discretion. Motion carried unanimously.
Planning/Forest Plan Update/Revision	The Board, Planning Director, Mr. Josh Hart, and County Administrator, Mr. Kevin Carunchio, had a lengthy discussion regarding the activities surrounding the Inyo National Forest Plan Update/Revision. Mr. Hart provided the Board with copies of the agenda for the most recent staff meeting along with copies of the draft outline for the development of an agreement between the Forest Service and the County concerning the Update. The Board and staff discussed the existing MOA and how a more refined agreement between the County and the Forest Service could be beneficial to the process. The County Administrator noted that this is the perfect opportunity to develop a timeline specific process. He suggested that under the three bullet item on the draft outline it be changed to "timing of," "preparation" and "transmittal of documentation related to." Mr. Carunchio explained that through a timeline specific agreement, the County would have the opportunity to provide peer review, staff input, etc., prior to the product being released. The Board and staff discussed this timeline specific agreement along with how this type of process would be beneficial in the "science synthesis," which is a place where the local Forest Service Staff and the County share concerns with the data being west-side specific. The Board and staff also discussed the need to identify specific written products which will be developed through the process. Moved by Supervisor Arcularius and seconded by Supervisor Cash to show support for the draft outline as amended to encompass today's discussion, and direct staff to continue to work towards an agreement that falls under the umbrella of the already negotiated MOA but that works to identify responsibility levels by both entities in the Forest Plan Update process. Motion carried unanimously.
Planning/China Lake Public Land Withdrawal	Ms. Tanda Gretz, Senior Planner, provided additional information and further explanation regarding the renewal of the public lands withdrawal for China Lake NAWS. She highlighted several areas of the Draft EIS/LEIS that differ from the previous withdrawal. Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to acknowledge review of the information from staff on the Draft EIS/LEIS for the renewal of public land withdrawal for the China Lake NAWS, and approve and authorize the Chairperson to sign correspondence on the EIS/LEIS. Motion carried unanimously.
Museum/Budget Amendment	Moved by Supervisor Cash and seconded by Supervisor Arcularius to accept a \$1,500 donation to the Eastern California Museum from the Friends of the Eastern California Museum and amend the FY 2012-13 Museum Budget Unit 077000 by increasing estimated revenue in Donations (<i>Revenue Code #4951</i>) by \$1,500 and increasing appropriations in Office and Other Equipment Under \$5,000 (<i>Object Code #5232</i>) by \$1,500. Motion carried unanimously.
BofS/Minute Approval	Moved by Supervisor Cervantes and seconded by Supervisor Pucci to approve the minutes of A) the Budget Hearings of September 10, 2012 and B) the Regular meeting of October 2, 2012. Motion carried unanimously.
Recess/ Reconvene	The Chairperson recessed the special meeting at 11:15 a.m., to reconvene in open session at 11:30 a.m., with all Board Members present.

CAO-Adv. Co. Res./ Comm. Project Grant Documentation	Mr. Jon Klusmire, Museum Services Director, reviewed the Community Project Sponsorship Grant Program, documentation that had been provided to the Board. The Board and Mr. Klusmire discussed the information in detail and at great length, including adding a question on the application to identify if projects have received prior grant funding from the County and the outcome of that funding, adding a question to application on whether the project or event has a participation fee and whether or not the fees have been increased or decreased and by how much, adding at the beginning of the application that an independent public review panel will evaluate the applications and make recommendations to the Board of Supervisors regarding funding levels, that the review panel be advised that they are making recommendations on the applications and it is the Board of Supervisors that has the final approval authority, clarification that the requested amount of funding of the application may not be changed in the review process, the feasibility of dedicated funding for specific types of events and/or organizations, and the need to have discussions regarding dedicated funding during future budget considerations. The Board provided direction that the applications should speak for themselves and the Board only needs a summary of the applications that should be detail oriented as to which applications were recommended for funding and which applications were not, that the summary spreadsheet is acceptable for the Board's purposes in considering the review panel's recommendations, that digital transmission of the applications and the backup information is acceptable for the Board. Tawny Thomson, Executive Director of the Bishop Chamber of Commerce and Ms. Kathleen New, Executive Director of the Lone Pine Chamber of Commerce, provided input on the process, offered examples of their experiences with the grant applications over the past several years, and made suggestions on how the process could be improved. Moved by Supervisor Pucci and seconded by Supervisor Arcularius to amend the Community Project Sponsorship Grant Program Guidelines, Application Form, and/or Evaluation Form as reflected in today's discussion, including adding questions regarding success measurement and fee quantification, and identifying the independent public review panel's evaluation of the applications in the first part of the application. Motion carried unanimously.
Recess/ Reconvene	The Chairperson recessed the special meeting at 1:05 p.m., to reconvene in open session at 2:00 p.m.
Board Members and Staff Reports	The Board Members reported on their activities during the preceding week, including a Visitors Center Meeting, a meeting with DWP re: groundwater pumping; an ESTA Meeting; an ESCOG Meeting, a CSAC Meeting; an LTC Meeting; and a Children's Services Council Meeting. The County Administrator update on the solar panel project, and the CAOAC Meeting he attended.
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 2:30 p.m., to convene in closed session, with all Board Members present, to discuss and take action as appropriate on Agenda Items No. 32. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code § 54956.9(a)]. – Robert Raymond v. Kammi Foote United States District Court Eastern District of California Case No. 1:12-CV-01407-AWI-JLT; No. 32. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code § 54956.9(a)]. <i>City of Los Angeles, Department of Water and Power of the City of Los Angeles v. Inyo County Board of Supervisors, et al.</i> Inyo County Superior Court Case No. 12908; Blackrock 94 Dispute Resolution; No. 33. CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code § 54957.6]. - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Deputy Sheriff's Association (DSA) - Negotiators: Labor Relations Administrator, Sue Dishion, Information Services Director, Brandon Shults, and Planning Director Josh Hart; No. 34. CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code § 54957.6]. Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Elected Officials Assistant Association (EOAA) - Negotiators: Chief Probation Officer Jeff Thomson and Labor Relations Administrator Sue Dishion; No. 35. 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. 36. 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 Child Support Services Susanne Rizo, and Chief Probation Officer Jeff Thomson; No. 37. 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. 38. **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. 39. **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 3:50 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 special meeting at 3:50 p.m.

Chairperson, Inyo County Board of Supervisor

Attest: *KEVIN D. CARUNCHIO*
Clerk of the Board

by _____
Patricia Gunsolley, Assistant