

MINUTES

County of Inyo Board of Supervisors

January 8, 2013

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 January 8, 2013, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Vice-Chairperson Linda Arcularius presiding as Chairperson, Jeff Griffiths, Rick Pucci, Mark Tillemans and Matt Kingsley. The Chairperson noted the omission of the Invocation from the Agenda, explaining that former Fifth District Supervisor Richard Cervantes had been leading the Invocation for many years and with his retirement from office there was no longer anyone to lead the Invocation. She explained that anyone from the audience wishing to lead the Invocation at a meeting was invited to the podium during public comment. Alexander "Skandar" Reid led the Pledge of Allegiance.

- Public Comment The Chairperson announced the public comment period. Mr. Alexander "Skandar" Reid, Bishop area resident, addressed the Board to comment on the BrightSource U-Tube video page on the Invanpah Project. He said that there is no narration on the video and commented that this glaring omission of telling the viewers what they are looking at should be a red flag for the BrightSource Project in Inyo County.
- County Department The Chairperson announced the County Department Report period. Mr. Josh Hart, Planning Reports Director, announced that the Board had authorized the County to participate in the Southwest Solar Initiative which is a project to improve and make solar more readily available to homes and small business and the County has received a certificate of recognition for its efforts. Mr. Kevin Carunchio, County Administrator, informed the Board that workshops on County Departments and operations, as well as a myriad of other topics pertinent to the County, are being scheduled over the next several months. Ms. Kammi Foote, Clerk-Recorder, announced that with the passage of SB911 the Board of Supervisors now has the ability to "solemnize marriages." Ms. Foote provided the Board with an information sheet on the new law. Dr. Bob Harrington, Water Director, announced that the Water Commission would be meeting at 6:00 p.m. on January 17, 2013 at the Water Department Conference Room, in Independence and that a Standing Committee Meeting has been scheduled for 10:00 a.m., February 8, 2013 in the Board of Supervisors Room, at the County Administrative Center, in Independence. Mr. Randy Keller, County Counsel, reported that the Prominent law suit (contractor for the Tecopa Lagoon Project) filed in Federal Court had been dismissed on December 18th, and that Prominent had refiled the matter in the Los Angeles Superior Court three days later.
- BofS/Election of The Chairperson turned the meeting over to the Assistant Clerk of the Board for the election of Officers officers. The Clerk called for nominations for Chairperson. Supervisor Pucci nominated Supervisor Arcularius and the nomination was seconded by Supervisor Kingsley. The Clerk closed the nominations and called for a vote. Supervisor Arcularius was unanimously elected Chairperson of the Board of Supervisors. The Clerk called for nominations for Vice-Chairperson. Supervisor Griffiths nominated Supervisor Pucci and the nomination was seconded by Supervisor Arcularius. The Clerk closed the nominations and called for a vote. Supervisor Pucci was unanimously elected Vice-Chairperson of the Board of Supervisors.
- Emerg. Serv./Oak Moved by Supervisor Griffiths and seconded by Supervisor Pucci to continue the local emergency Creek Mud Flows as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.
- CAO-Adv. Co. Moved by Supervisor Griffiths and seconded by Supervisor Pucci to A) declare Lone Pine Res./2013 Cal Chamber of Commerce a sole-source contractor for the purpose of designing, constructing, staffing and removing the Inyo County Exhibit at the 2013 California State Fair; B) ratify and Expo Exhibit approve the Contract between the County of Inyo and the Lone Pine Chamber of Commerce to design, construct, staff and remove the Inyo County Exhibit at the 2013 California State Fair, in an amount not to exceed \$13,000; and authorize the County Administrator to sign, contingent upon the appropriate signatures being obtained; and C) authorize the County Administrator to sign any documents related to designating the Lone Pine Chamber of Commerce as the County's contractor for coordinating the Inyo County Exhibit at the 2013 California State Fair. Motion carried unanimously.

Parks/LADWP Lease Johnson Field BallPark	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve the Lease between the County of Inyo and the Los Angeles Department of Water and Power for property utilized as Johnson Field ballpark, for the period of October 1, 2012 through September 30, 2017, at the rate of \$500 per year with a \$15 increase per year after that, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign. Motion carried unanimously.
HHS-Child Care Planning Council Appointments	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to appoint the following to the Child Care Planning Council, to complete three-year terms ending November 4, 2015: Verna Sisk and Robyn Wisdom. Motion carried unanimously.
Clerk/Kofile Preservations Contract	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to declare Kofile Preservation, Inc. (formerly Brown's River Moratti Co.) as a sole-source provider for preservation and conservation of historic records in the custody of the County Recorder; and approve the Contract between the County of Inyo and Kofile Preservations, Inc., for the provisions of preservation and conservation of official records in an amount not to exceed \$20,000, for the period not to exceed 6 months; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
P.W./Nichols Consulting Contract Amendment	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve Amendment No. 6 to the Contract between the County of Inyo and Nichols Consulting Engineers, Chtd. (NCE), increasing the amount of the Contract by \$48,000 to a total not to exceed \$249,680, extending the Contract to an ending date of September 30, 2013, 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.
Rd. Dept./Tree Removal	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to authorize the removal of an elm tree adjacent to the Eastern California Museum. Motion carried unanimously.
Treasurer/Invest- ment Policy	The Treasurer-Tax Collector, Ms. Alisha McMurtrie, reviewed the County's Treasury Investment Policy. She noted a change that she was recommending that had been added to the policy after it had been approved by County Counsel. The change involved the ability of the Treasury to be invested in some Mutual Funds. The Board asked Ms. McMurtrie to bring the amended policy back for the Board's consideration next week after County Counsel had a chance to review the proposed change that she was recommending.
Resol. #2013-01/ Treasurer Invest- ment Authority	On a motion by Supervisor Kingsley and a second by Supervisor Pucci, Resolution No. 2013-01 titled "A Resolution of the Board of Supervisors of the County of Inyo Delegating to the Inyo County Treasurer its Investment Authority Pursuant to Section 53607 of the Government Code" was approved: motion unanimously passed and adopted.
HHS-Behavioral Hlth. Serv./National Mentoring Month	Ms. Linda Benson, Assistant Director of Health and Human Services, provided information regarding the County's mentoring program and requested the Board proclaim January 2013 as National Mentoring Month in Inyo County. Moved by Supervisor Kingsley and seconded by Supervisor Pucci to approve the proclamation declaring January 2013 as National Mentoring Month, in Inyo County. Motion carried unanimously.
HHS-ESAAA/ Update	Ms. Linda Benson, Assistant Director of Health and Human Services, updated the Board on the ESAAA Program. She presented the Board with the ESAAA Newsletter and informed the Board that the first meeting of the Advisory Council will be held at 10:30 tomorrow in Bishop at the County office located next to the old Kmart. She said that the meeting will have video conferencing with Benton and Walker.
Resol. #2013-02/ Friends of the Eastern California Museum Donation	Mr. Jon Klusmire, Museum Services Director, provided additional information and further justification for the recommendation to accept a donation from the Friends of the Eastern California Museum to install upgrades to the Museum Security System. On a motion by Supervisor Griffiths and a second by Supervisor Tillemans, Resolution No. 2013-02, titled "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Authorizing the Friends of the Eastern California Museum Access to the Eastern California Museum for the Purpose of Performing Upgrades to the Museum Security System and Acceptance of the Donation of the Upgrades and Operation Thereof," was approved: motion unanimously passed and adopted.

Emerg. Serv./Road-eater Emergency Continued	The County Administrator explained that the County is continuing to engage the Governor's staff concerning the declaration of an emergency as a result of flooding in the southeast portion of the County last August. He explained that the State does not believe that the event was life threatening and the County is trying to get them to understand the significance of traveling in the dangerous summer heat of Death Valley especially if the roads are not repaired. Mr. Carunchio recommended that the Board continue the emergency to provide staff adequate time to work with the State. Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to continue the local emergency, The Death Valley Rodeater 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.
BofS/Minute Approval	The Assistant Clerk explained that the minutes of December 11 and 18, 2012 would be marked as not approved due to lack of a quorum, because there are only two Board Members that participated in the meetings. Moved by Supervisor Pucci and seconded by Supervisor Arcularius to approve the minutes of the December 11 and December 18, 2012 Board of Supervisors Meetings. The motion failed on a two-to-zero vote, with Supervisors Pucci and Arcularius voting yes and with Supervisors Griffiths, Tillemans, and Kingsley abstaining.
CAO-Info Serv./ Position Request	The County Administrator provided further explanation on the revised language of the Authorized Position Review Policy being presented. He explained that item B) was intended to protect current employees that may have been subjected to layoffs by allowing positions in other departments to be filled through a closed countywide recruitment. Mr. Carunchio went on to say that since the threat of layoffs is not longer a looming threat that he feels the new language for item B) is more appropriate. Moved by Supervisor Pucci and seconded by Supervisor Griffiths to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the position of Information Services Network and Operations Analyst exists, as certified by the Information Services Manager and concurred with by the County Administrator and Auditor-Controller; B) and where if the County was facing layoffs, the position could be filled by internal candidates meeting the qualifications for the position, but since no layoffs are pending, an open recruitment would be appropriate to ensure qualified applicants apply; and C) approve the hiring of one Network and Operations Analyst I at Range 65 (\$3,671 - \$4,464) through IV at Range 76 (\$4,768 - \$5,796), and authorize to hire at the E step depending on qualifications. Motion carried unanimously.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 10:20 a.m., to reconvene in open session at 10:35 a.m., with all Board Members Present.
County Counsel/ BofE Training	The Chairperson immediately recessed open session to convene in a workshop with County Counsel to receive Board of Equalization Training. The Chairperson recessed the workshop at 11:15 a.m., to reconvene in open session, with all Board Members present.
Ord. #1175/Amends Zoning Code to Clarify Home Occupations are Permitted as Accessory Uses	On a motion by Supervisor Kingsley and a second by Supervisor Tillemans, Ordinance 1175 titled "Ordinance of the Board of Supervisors of the County of Inyo, State of California, Amending Sections 18.30.050, 18.33.040, 18.36.060 and 18.78.130 of the Inyo County Code" to clarify that home occupations are permitted as accessory uses consistently in all Residential Rural Residential and Open Space Zones and Amends the Home Occupations standards to be consistent with the California Home Foods Act and goals of the Inyo County General Plan, was enacted: motion unanimously passed and adopted.
County Counsel/ Brown Act Workshop	The Chairperson recessed open session at 11:30 a.m., to convene in a workshop, with all Board Members present, with County Counsel to receive training on the Brown Act. The Chairperson recessed the workshop at 12:10 p.m.
CAO-County Counsel-Planning/ Workshop on Hidden Hills Solar Energy Generating System.	The Chairperson reconvened the Board of Supervisors Meeting at 1:15 p.m., in a workshop, with all Board Members present. The Board conducted a workshop with the County Administrator, County Counsel, Planning and other County staff 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 BrightSource 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 BrightSource Energy, and how those costs could change based on additional information or alternative scenarios. The Chairperson recessed the workshop at 3:45 p.m., to reconvene in open session, with all Board Members present.

- Board Members and Staff Reports The Board Members reported on their activities for the preceding week, including the swearing in ceremony for the three new Board Members, a request for Committee Assignment preferences, a report on the Christmas dinner, sponsored by the Methodist Church, a Mental Health forum as a result of the Sandy Hook tragedy, and a report on a Supreme Court Case that will allow prevailing defendants to recover costs from the plaintiff.
- Public Comment The Chairperson announced the public comment period and there was no one from the public wishing to address the Board.
- Closed Session The Chairperson recessed open session at 4:00 p.m., to convene in closed session, with all Board Members present, to discuss and take action as appropriate on Agenda Items No. 22. **CONFERENCE WITH 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. 23. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION [Pursuant to Government Code §54956.9(c)]** – decision whether to initiate litigation (one case); No. 24. **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. 25. **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. 26. **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. 27. **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. 28. **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. 29. **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 6:20 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 at 6:20 p.m., to 9:00 a.m., Tuesday, January 15, 2013, 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