



County of Inyo Board of Supervisors

February 12, 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. Tuesday, February 12, 2013, on, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Linda Arcularius presiding, Jeff Griffiths, Rick Pucci, Mark Tillemans and Matt Kingsley. Mr. Kevin Carunchio, County Administrator, led the Pledge of Allegiance.

Public Comment The Chairperson announced the public comment period. Captain Andrea Whitman of the California Highway Patrol, reported on children safety activities her Department has been conducting. Mr. Dan Dickman, Keeler Resident, addressed County zoning concern, explaining that the small individual communities of Inyo County have unique characteristics that are difficult to lump into one zoning classification. Mr. Brian Desmond, Keller Resident, also addressed zoning code concerns, echoing Mr. Dickman’s sentiments. Mrs. Lee Baron, CEO of Southern Inyo Hospital, asked for the Board’s assistance to make our State Legislators aware of the impacts of AB97 implementation on Southern Inyo Hospital. She explained that AB97 was enacted to implement lower Medi-Cal reimbursement rates, rolling back rates to the 2008-09 levels. She said that the implementation of the law has been in abeyance due to a lawsuit, which was just recently resolved, and that will now allow the implementation of the law. She reviewed the statistical data on the Hospital’s revenues as a result of that implementation, as well as the impact of the State’s decision to retroactively collect for overpayments since 2011. She said that the overall impact to Southern Inyo Hospital is a liability debt of nearly \$1.5 million dollars. She said that the hospital cannot fund this liability and as such there is a possibility that the skilled nursing facility may have to be closed with the patients being relocated to urban areas and the hospital operations will have to be drastically reduced. She briefly talked about the impact of these reductions on the community and the public. She provided the Board with a copy of the letter that she had written to the Legislators and asked the Board to also correspond with our State Representatives to solicit help to protect the hospital from the impacts of AB97. The Chairperson requested that staff draft a letter for the Chairperson’s signature, explaining that this request is covered under the County’s Legislative Platform.

County Department Reports The Chairperson announced the County Department Report period. Ms. Jean Turner, Director of Health and Human Services, provided additional information on the comments made by Ms. Lee Baron of Southern Inyo Hospital, saying that the implementation of the reduced rates for Medi-Cal reimbursement is a hardship on small rural areas. Ms. Kammi Foote, Clerk-Recorder, provided the Board with a handout on the DisclosureDoc Program explaining that the County’s pilot project is being extended and now the 700 Form is available on line. Mr. George Milovich, Interim Agricultural Commissioner, reported that this is the first year the County has not met the 5-year maintenance of effort for the gas tax. He confirmed, in response to a question from the Board, that this spending shortage is a direct result of changes in the Weed Management Program.

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

Clerk/AtPac Agreement Moved by Supervisor Kingsley and seconded by Supervisor Pucci to approve the Amendment to the License Agreement with AtPac, for a one time fee in the amount not to exceed \$12,500 for service to truncate social security numbers in the Official Records to fulfill the remainder of the County Recorder’s obligation under Government Code §27301(a) and authorize the Clerk-Recorder to sign. Motion carried unanimously.

Ag. Comm./Position Request	Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the position of Mosquito Helper exists, as certified by the Interim Agricultural Commissioner, 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 seasonal Mosquito Helper at Range 050PT (\$13.90 - \$16.87/hour). Motion carried unanimously.
HHS-Soc. Serv./ Position Request	Moved by Supervisor Kingsley and seconded by Supervisor Pucci to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for an Office Manager position exists, as certified by the Director of Health and Human Services, 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 Office Manager at Range 54 (\$2,480 - \$3,454). Motion carried unanimously.
HHS-Misc/Position Request	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 a Human Services Supervisor position exists, as certified by the Director of Health and Human Services, 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 Human Services Supervisor at Range 66 (\$3,757 - \$4,574). Motion carried unanimously.
Schools/Supt. Of Schools Presentation	The Board received a presentation by Inyo County Superintendent of Schools, Dr. Terence McAteer, on the state of public education in Inyo County. Dr. McAteer talked about school safety, the Northstar Counseling Centers, transformational technology, library partnership, Paiute curriculum, state funding, Youthbuild expansion, and the Community reads program.
Planning/SW Solar Transformation Init.	Ms. Cathreen Richards, Associate Planner, made a presentation on the Southwest Solar Transformation Initiative.
Planning/Mammoth Lakes Housing	Mr. Josh Hart, Planning Director, briefly recapped the February 5 th presentation from the Mammoth Lakes Housing on the Community Development Block Grant (CDBG) program for home buyer assistance. Ms. Leslie Chapman, Auditor-Controller, shared her thoughts on the County participating in this type of program that she characterized as more of a social services program where the County is serving as a bank or financial institution. She talked a little bit about how the program operates, how this type of program aligns with the County's mission, and provided examples of how a similar program impacted the County in the past. The County Administrator shared some previous County experiences with the CDBG program and noted that this is a resource issue with planning and public works staff and the priorities the Board wants to assign to those efforts the Departments are working on. The Board and staff continued to discuss the pros and cons of the Mammoth Lakes Housing Proposal, as well as exploring options of the CDBG process. The Board talked about conducting a public hearing to consider call for projects under the CDPG Program, about how the Board's call for projects does not bind the County to participating in the CDBG Program; about the benefits the County might derive from County projects being funded through the Program; and when and where a public hearing should be held. Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to direct staff to schedule and appropriately notice a public hearing – call for projects for the CDBG Program for a regularly scheduled Board of Supervisors Meeting and after the public hearing re-evaluate the request by Mammoth Lakes Housing for the County to participate in the home buyer assistance program. Motion carried unanimously.
Water Dept./IRWMP Financial Agenda	Dr. Bob Harrington, Water Director, provided additional information and further justification for the recommendation that the County serve as the Fiscal Agent for the next round of DRW grants through the IRWMP. The Risk Manager, Ms. Marlena Baker, talked about the County's risk liability and its ability to mitigate for the risk. The Board and staff continued to discuss the recommendation, talking the risks vs. the benefits, enforcement, liability, membership structure, costs, etc. It was noted that the Auditor-Controller had not commented on this recommendation. Dr. Harrington suggested that a decision on this request be delayed to next week to provide the

Auditor time to comment on the recommendation. The Board agreed with Dr. Harrington's suggestion and asked that the request for the Board to authorize staff to notify the Inyo-Mono Regional Water Management Group that the County is willing to act as grantee for the Proposition 84 Round 2 Implementation Grant application be continued to next week.

- P.W.-Town Water System/Cross-Connection Control Program Ordinance The Chairperson opened the public hearing at 12:00 p.m., on an ordinance titled "An Ordinance of Inyo County Instituting a Cross-Connection Control Program to Protect the Public Water System for the Communities of Independence, Lone Pine and Laws" that will provide the required protections of potable water for the town water systems operated by the County of Inyo in the communities of Independence, Lone Pine and Laws as required by California Code. Mr. Doug Wilson, Interim Public Works Director, reviewed the staff report and recommendations. There was no one from the public wishing to address this issue. The Chairperson closed the public hearing at 12:05 p.m. Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to waive the first reading of the ordinance and schedule the enactment for 11:30 a.m., Tuesday, February 19, 2013, in the Board of Supervisors Room, at the County Administrative Center in Independence. Motion carried unanimously.
- Emerg. Serv./D.V. Roadeater Emergency The County Administrator reiterated that repairing the damage caused by the D.V. Roadeater Emergency goes beyond the County's ability to remedy and continues to pose a threat to public safety, and recommended for these reasons the emergency be continued. Moved by Supervisor Kingsley and seconded by Supervisor Griffiths 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.
- Resol. #2013-07/ Intent to Grant SCE Franchise The County Administrator provided additional information and further explanation on the request for the Board to declare its intent to grant SCE a Franchise. Mr. Dan Brady, Public Affairs Office for Southern California Edison, addressed the Board to support this action. On a motion by Supervisor Pucci and a second by Supervisor Griffiths, Resolution No. 2013-07 titled "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Declaring Its Intent to Grant Southern California Edison Company, a California Corporation, Its Successors and Assigns, the Right, Privilege and a Franchise to Transmit and Distribute Electricity for all Purposes as Authorized Under the Franchise," was approved: motion unanimously passed and adopted.
- Recess/ Reconvene The Chairperson recessed the regular meeting at 12:15 p.m., to reconvene in closed session at 1:00 p.m., with all Board Members present.
- Closed Session The Board met in closed session to discuss and take action as appropriate on Agenda Item No. 15. **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. The Chairperson recessed closed session at 1:45 p.m.
- Report on Closed Session The Chairperson reconvened in regular meeting in a workshop at 1:50 p.m. County Counsel reported there were no actions taken in closed session, which are required by law to be reported on in open session.
- Planning/Zoning Workshop The Board conducted a workshop with the Planning Director on the draft Zoning Code/General Plan Update, and provide direction regarding code enforcement and special event permit issues. The Chairperson recessed the workshop at 3:15 p.m. to reconvene in open session with all Board Members present.
- Public Comment The Chairperson opened the second public comment period. Sheriff Bill Lutz updated the Board on the Dorner man-hunt in Southern California. He reported that the suspected has barricaded himself in a cabin in Big Bear, two officers have been shot and are being transported to the hospital; and attempts are in progress to take the suspect into custody.
- Closed Session The Chairperson recessed open session at 3:20 a.m., to convene in closed session with all Board Members present to discuss and take action as appropriate on Agenda Items No. 18. **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. 19. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(a)]** – City of Los Angeles, Department of Water and power of the City of Los Angeles v. Inyo County Board of Supervisors, et al. Inyo County Superior Court Case No. 12908; Blackrock 94 Dispute Resolution; No. 20. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(a)]** – Application for Certification for the HIDDEN HILLS SOLAR ELECTRIC GENERATING SYSTEMS – Before the Energy Resources Conservation and Development Commission of the States of California Docket No. 11-AFC-02 (Bright Source); No. 21. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION [Pursuant to Government Code §54956.9(b)(3)]** – significant exposure to potential litigation (one case); No. 22. **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. 23. **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. 24. **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. 25. **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. 26. **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 6:30 p.m., to reconvene in open session. County Counsel reported that in the matter of Agenda Item No. 18. **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, the Board in a unanimous vote, with Supervisors Arcularius, Griffiths, Pucci, Tillemans and Kingsley voting yes, approved the settlement agreement resolving the matter, with the parties agreeing that the County will conduct an independent CEQA review of any application for combined-use routes or dual use of County roads, or in considering or evaluating designation of crossings of the State highway by off-highway vehicles, in connection with the Pilot (Adventure Trails) program and will not tier any future CEQA to the current mitigated negative declaration prepared for applications for the program, and Plaintiffs will dismiss with prejudice this action and each party shall bear its own attorney's fees and costs incurred in connection with this action.

Adjournment

The Chairperson adjourned the regular meeting at 6:30 p.m. to 9:00 a.m., Tuesday, February 26, 2013, in the Board of Supervisors Room, at the County Administrative Building in Independence.

Chairperson, Inyo County Board of Supervisor

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

by: _____
Patricia Gunsolley, Assistant