

# MINUTES

# County of Inyo Board of Supervisors

## February 26, 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, February 26, 2013, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Linda Arcularius presiding, Rick Pucci, Mark Tillemans and Matt Kingsley. Supervisor Griffiths was absent. Supervisor Kingsley 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 opened the County Department Report period. Mr. Marvin Moskowitz, Environmental Health Director, briefed the Board on an emerging issue regarding the State Regional Water Board water testing results on Bishop Creek. He said testing has resulted in contaminants being identified that exceed State levels. He said he is working with the State to resolve many of the issues, including future monitoring requirement, more extensive testing, warning notices, etc. Mr. Moskowitz said he would keep the Board informed. Supervisor Arcularius requested to be included in meetings on this issue. Sheriff Lutz briefed the Board on Sunday's fire near the Lone Pine Landfill. He reported that he had just received word that the fire had flared up and several hours later reported that crews had put out the flare-up. Supervisor Griffiths joined the meeting at 9:15 a.m. Ms. Jean Turner, Director of Health and Human Services reported on Health Care Reform and its impact on the CMSP Program. She also identified the impacts of the upcoming impacts of the Federal sequestration which is proposed to cut Federal funding for many programs like WIC, Senior Meals, Adult and Child Protective Services as much as 5.1%. Ms. Susanne Rizo, Child Support Services Director, reported on her Department's Activities including an update on the Bishop Paiute Tribe's ordinance which recognizes the Child Support Services withholding orders. Dr. Bob Harrington, Water Director, reported on the Technical Group Meeting. Ms. Kammi Foote, Clerk-Recorder, provided a copy of information on legislation and talked about AB464 concerning vital records. The Chairperson requested that Ms. Foote coordinate with the Assistant Clerk of the Board to make sure that this legislation is covered in the County's Legislative Platform.
- Introduction             The County Administrator introduced Mr. Scott Eagan, Integrated Waste Management Program Superintendent in Integrated Waste Management, to the Board. The Assistant District Attorney introduced Mr. Richard Beall, Criminal Investigator in the District Attorney's Office, to the Board.
- Integ. Waste/Track  
Chains P.O.              Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to award the bid for and approve the purchase of two complete sets of track chains for two separate John Deere 850C track loaders from Sonsray Machinery in an amount not to exceed \$10,862.68. Motion carried unanimously.
- CAO-Personnel/  
Amendment to  
EOAA MOU                Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to ratify Amendment No. 1 to the Comprehensive Memorandum of Understanding between the County of Inyo and the Elected Officials Assistant Association (EOAA) March 1, 2012 through February 28, 2013; and authorize the Chairperson to sign. Motion carried unanimously.
- CAO-Planning/  
Amendment to  
Gruen Gruen +  
Assoc. Contract        Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to approve Amendment #6 to the Contract between the County of Inyo and Gruen Gruen + Associates, increasing the amount of the contract by \$75,000 for a total Contract amount not to exceed \$421,250, and authorize the County Administrator to sign, contingent upon appropriate signatures being obtained. Motion carried unanimously.

HHS-Hlth. Serv./ MOU with Mono and Riverside for Health Officer Coverage	Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to approve the Memorandum of Understanding between the County of Inyo, County of Mono and the County of Riverside for the provision of temporary Health Officer coverage for the period of February 1, 2013 until terminated by any party, and authorize the Chairperson to sign. Motion carried unanimously.
Planning-Yucca Mt./ Joint Funding Agreement	Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to approve the Joint Funding Agreement with the U.S. Geological Survey for Wells and Springs Monitored in Southern Amargosa Desert, in the amount of \$20,000; and authorize the Chairperson to sign. Motion carried unanimously.
P.W./Indy Legion Hall and B.P. Town Hall Heater Repl. Plans & Specs.	Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to approve the plans and specifications for the Independence American Legion Hall, Big Pine Town Hall – Heater Replacement Project and authorize the Interim Public Works Director to advertise for bids for the Project. Motion carried unanimously.
P.W./Shoshone Modular Bldg. Improvement Project Rescoped	Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to A) reject all bids received for the Shoshone Modular Buildings Improvement Project; B) approve the re-scoped plans, bid package and specifications for the Shoshone Modular Buildings Improvement Project, and authorize the Interim Public Works Director to advertise for bids for the Project; C) authorize the Interim Public Works Director to award the project if the bids are within the project budget and sign all contract documents, contingent upon the appropriate signatures being obtained and contingent upon the adoption of future budgets; and D) authorize the 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, but not to exceed \$27,975. Motion carried unanimously.
Emerg. Serv./Oak Creek Mud Flow	The County Administrator notified the Board that he had just recently received word from DWP that the Department's work on the Oak Creek Diversion has finally been completed and there is no longer a need to continue the Oak Creek Mud Flow Emergency. Mr. Carunchio recommended that the Emergency be ended. Moved by Supervisor Tillemans and seconded by Supervisor Kingsley to end the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.
Water/Letter to B.P. Tribe on Regreening Project	The Water Director, Dr. Bob Harrington, presented the Board with a draft letter corresponding with the Big Pine Tribe regarding their letter concerning the Big Pine Northeast Regreening Project. The Board and staff discussed the letter as well the Project, including the steps necessary to rescope the project, alternatives to rescoping the project, the ability to rewater the Bartell parcel at the south end of the community. Supervisor Arcularius requested that the letter be amended to include a sentence intimating that she is looking forward to meeting with the Tribal Administrator on these issues. Moved by Supervisor Tillemans and seconded by Supervisor Kingsley to approve a letter responding to correspondence from the Big Pine Tribe of the Owens Valley on the Big Pine Northeast Regreening Project, as amended. Motion carried unanimously.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 10:10 a.m., to reconvene at 10:25 a.m., in open session, with all Board Members present.
CAO-Budget/Mid- Year Budget Review	The County Administrator thanked the Auditor-Controller, Ms. Leslie Chapman and the Budget Analyst, Ms. Randi Chegwidde, for their assistance in preparing the Mid-Year Budget. He went on to present the Mid-Year Financial Report in detail and at length. Moved by Supervisor Pucci and seconded by Supervisor Griffiths to A) accept the Fiscal Year 2012-2013 Mid-Year Financial Report as presented; B) approve the specific budget action items and recommendations discussed in the report and represented in Attachments A & B of the report; (4/5's vote required); C) continue to stress revenue attainment and expense savings in order to maximize year-end fund balances; and D) consider reaffirming the Extraordinary Budget Control Policies (Attachment C), as amended and recommended and/or otherwise modified, remain in effect. Motion carried unanimously.

HHS-Hlth. Serv./ Position Request	Moved by Supervisor Pucci and seconded by Supervisor Kingsley to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for a Registered or Public Health Nurse 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 Registered or Public Health Nurse 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 full-time Registered Nurse at Range 78 (\$4,997 - \$6,074) or Public Health Nurse at Range 80 (\$5,238 - \$6,371) and authorize to hire at the E step depending on qualifications. Motion carried unanimously.
HHS-Soc. Serv./ 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 Social Worker 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 Social Worker 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 Social Worker I at Range 61 (\$3,345 – \$4,062), II at Range 64 (\$3,590 - \$4,363) or III at Range 67 (\$3,852 – \$4,676), contingent upon qualifications. Motion carried unanimously.
BofS/Support Letter Kingsley Appt. to BLM RAC	Moved by Supervisor Pucci and seconded by Supervisor Griffiths to approve of the letter supporting the appointment of Fifth District Supervisor Matt Kingsley to the Bureau of Land Management Resource Advisory Council; and authorize the Chairperson to sign. Motion carried unanimously.
Planning-Yucca Mt./ Final Releases for Devil's Camp Agreement and Groundwater Monitoring Grant	Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to A) approve the office of civilian radioactive Waste Management's Contractors Final Release for the Devils Camp Cooperative Agreement DE-FC38-06RW12368; authorize the Chairperson to sign, and direct staff to send the Agreement to the DOE; B) Approve the Office of Civilian Radioactive Waste Management's Contractors Final Release for the Groundwater Monitoring Grant DE-RW0000223, authorize the Chairperson to sign; and direct staff to send the Agreement to the DOE; C) authorize payment of \$3,658 for disallowed expenditures; and D) amend the FY 2012-13 Yucca Mountain Budget Unit 62065 by increasing estimated expenditures in Prior Year refunds ( <i>Object Code #5499</i> ) by \$3,658 and decreasing estimated expenditures in Travel ( <i>Object Code #5331</i> ) by \$3,658. Motion carried unanimously.
Planning/Letters Re USFS Route Restoration Projects	The Board discussed the U.S. Forest Service's scoping notices for two proposals to conduct restoration on 57 and 209 routes respectively. The Board and staff discussed the letter. Supervisor Arcularius asked that a couple of items be included in that mapping of the restored route be understandable and available to the public and that wood gathering prescriptions be defined and clearly understandable. Supervisor Griffiths requested that language be added to the letter that says "We appreciate the fact that the Forest Service has been flexible and responsive by adding routes and would encourage the Forest Service to continue to be flexible in the future to make the travel route system as usable as possible for the public." Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to approve the letter commenting on the U.S. Forest Service's proposal to conduct restoration on 57 and 209 routes respectively as amended to include today's discussion, and authorize the Chairperson to sign. Motion carried unanimously.
P.W./Airport/FBO for Bishop Airport	The Interim Public Works Director, Mr. Doug Wilson, provided additional information and further explanation regarding the request for direction on whether to solicit a fixed base operator at the Bishop Airport. The Board and staff discussed this proposal in detail and at length, including combining solicitation of an FBO to include both the Bishop Airport and the Lone Pine Airport, the feasibility of conducting a survey of airport users regarding an FBO, the ability to reasonably meet and continue to meet the expectations of those currently recommending an FBO for the airport, and the benefits expected if an FBO were to take over the operations of the Bishop Airport. The Board and staff continued to discuss both long term and short term strategic planning for the Airport. The County Administrator recommended that the Board take this matter under advisement, providing staff the opportunity to bring this forward when needed, i.e., when FPO at Lone Pine is considered, after community-at-large meetings to ascertain the communities vision for the airport, etc. Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to direct staff to hold off on preparing an RFP for the Bishop Airport pending the resolution of future events, i.e., status of the Lone Pine Airport and discussions with the community at large about vision for the Bishop Airport. Motion carried unanimously.

Parks/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 Maintenance Helper positions comes from the General Fund, as concurred with by the County Administrator and Auditor-Controller; B) and where if the County was facing layoffs, the Maintenance Helper positions 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 two part-time Seasonal Park and Campground Maintenance Helpers at Range PT42 (\$11.55 – \$14.05 per hour), with one position to begin work April 1 <sup>st</sup> and work through August 30 <sup>th</sup> and one position to begin work May 16 <sup>th</sup> and work through October 15 <sup>th</sup> , contingent upon the Board adoption of future budgets. Motion carried unanimously.
Emerg. Serv./D.V. Roadeater Emerg. Continued	The County Administrator recommended the Board continue the D.V. Roadeater Emergency to provide P.W. staff time to meet with the Parks Service staff. Moved by Supervisor Kingsley and seconded by Supervisor Tillemans 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.
CAO-Motor Pool/ Vehicle Purchases	The County Administrator provided additional information and further clarification on the request to award the bid for the purchase of Motor Pool vehicles. Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to award the bid to Perry Motors of Bishop as the low bidder for and authorize the purchase of three 2013 Toyota Venza AWD vehicles from Perry Motors in the amount of \$93,375.69. Motion carried unanimously.
Public Defender/ Bidet Contract	Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to approve the Agreement between the County of Inyo and Sophie Charlotte Bidet for the provision of professional services as a Public Defender (Misdemeanors – South County & Second Coverage Welfare and Institutions, Family Support and Juvenile Court) for the period of April 1, 2013 through March 31 2016, in an amount not to exceed \$330,000, 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.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 12:55 p.m., to reconvene in open session at 1:35 p.m., with all Board Members present.
Ord. 1177/C G Roxane Cabin Bar Zone Reclassification	On a motion by Supervisor Kingsley and a second by Supervisor Tillemans, Ordinance 1177 titled "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Approving Zone Reclassification No. 2010-02 (Crystal Geyser Roxane) and Amending the Zoning Map of the County of Inyo, by Reclassifying an Approximately 23.6-Acre Portion of the 420-Acre Parcel Located Adjacent (on the south) to the Community of Cartago, on the East Side of U.S. Highway 395, from Open Space, 40-Acre Minimum (OS-40) and Rural Residential (RR) to Light Industrial (M-2) and an approximately 6.8-Acre Portion of the Parcel from RR to OS-40," was enacted: motion unanimously passed and adopted.
Closed Session	The Chairperson recessed open session at 1:40 p.m., to convene in closed session, with all Board Members present to discuss and take action as appropriate on Agenda items No. 29. <b>CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION [Pursuant to Government Code §54956.9(d)(2)]</b> – significant exposure to potential litigation (one case); No. 30. <b>CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code § 54957.6]</b> . - 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. 31. <b>CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code § 54957.6]</b> . 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. 32. <b>CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code § 54957.6]</b> . - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Inyo County Correctional Officers Association (ICCOA) - Negotiators: Labor Relations Administrator Sue Dishion; No. 33. <b>CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]</b> . - 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. 34. <b>CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code § 54957.6]</b> . - 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. 35. **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. The Chairperson recessed closed session at 2:25 p.m., to reconvene in open session in a workshop, with all Board Members present.

- HHE-EMS/Workshop The Board conducted a workshop with Health and Human Services Staff, and ICEMA staff from San Bernardino on Emergency Medical Services in the County. The Chairperson recessed the workshop at 3:07 p.m., to reconvene in open session with all Board Members present.
- Planning/CDBG Public Hearing The Chairperson opened the public hearing at 3:10 p.m., to consider submitting an application for 2013 Community Development Block Grant (CDBG) funding and setting a second public hearing for April 2, 2013 meeting the requirement of 30-days between the two hearings, to consider general projects that the County can submit an application for including the First Time Homebuyers Assistance Program, and proposals from the Planning and Public Works Departments, and others that may make proposals. Ms. Pam Hennarty of Mammoth Lakes Housing provided information on the First Time Homebuyers Assistance Program for which she requested the County apply for CDBG funding. She identified that this program will be beneficial to the people of Inyo County. The Planning Department identified the Neighborhood Plan for Charleston View as a project they would be interested in submitting for CDBG funds. Mr. Jim Tatum, Deputy Public Works Director, discussed the projects they were proposing for CDBG funding, including CSA2, town water systems and the new animal shelter. The Board and Mr. Tatum discussed the projects at length and in detail. Sheriff Lutze supports the use of CDBG funds to build a new animal shelter. Supervisor Tillemans provided an alternative to the County applying for these funds, suggesting the County help the Big Pine Tribe acquire ICDBG funds to build a facility that the County could then lease, similar to the arrangements the Bishop Tribe has for the Dept. of Motor Vehicles Building and the Forest Service Building. The Board, staff and Ms. Hennarty discussed under which CDBG option each of the proposed projects would fall. The Board expressed a desire to move to the next phase in the process. The Chairperson closed the public hearing at 3:45 p.m. The Board directed the Planning Department to proceed with the second public hearing on April 2, 2013 to consider CDBG projects.
- Rd./Road Project Financing Workshop The Chairperson announced that the workshop with the Road Department on road project financing, has been rescheduled.
- Board Members and Staff Reports The Board Members suspended their Board Member reports in deference to two Supervisors travel schedules.
- 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 3:50 p.m. to reconvene in closed session to continue discussion on previously noted closed session items.
- Report on Closed Session The Chairperson recessed closed session at 4:30 p.m. to reconvene in open session to receive a report on closed session. County Counsel reported that there were no items discussed in closed session that are required by law to be reported on in open session.
- Adjournment The Chairperson adjourned the regular meeting at 4:30 p.m. to 9:00 a.m., Tuesday, March 12, 2013, in the Board of Supervisors Room, at the County Administrative Center in Independence.

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Chairperson, Inyo County Board of Supervisor

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

by: \_\_\_\_\_  
*Patricia Gunsolley, Assistant*