



County of Inyo Board of Supervisors

March 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, March 26, 2013, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Linda Arcularius presiding, Jeff Griffiths, Rick Pucci, and Matt Kingsley. Supervisor Tillemans was absent. Supervisor Arcularius led the Pledge of Allegiance.

Public Comment The Chairperson announced the public comment period. Captain Andria Witmer of the California Highway Patrol Bishop Office, told the Board that April is Distracted Driver Month and there will be increased activity to identify and cite distracted drivers.

County Department Reports The Chairperson announced the County Department Report period. Ms. Amy Shepherd, Assistant Auditor-Controller, provided a System Audit Report update concerning 1A loans, informing the Board that the Special Districts in Inyo County that were subject to 1A loans will be receiving repayment from the State in the near future. The Interim Agricultural Commissioner, Mr. George Milovich, informed the Board that he is in negotiations with a small district in Mammoth for his Department to provide Mosquito Abatement services for the District. He explained how this would be beneficial to both the Department and the District. Mr. Milovich also reported that the maintenance of effort for the gas tax did not have as large a discrepancy as he had originally expected, saying it came in almost on target.

P.W./Quincy Engineering Contract Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to approve the Contract between the County of Inyo and Quincy Engineering, Inc. for engineering services for bridges over the Los Angeles Aqueduct at Carroll Creek and Walker Creek Roads, and over Oak Creek at Bell Access Road, for the period of February 12, 2013 through December 31, 2015, in an amount not to exceed \$108,600, contingent upon the Board's adoption of future budgets, and authorize the chairperson to execute the contract, contingent upon appropriate signatures being obtained. Motion carried unanimously, with Supervisor Tillemans absent.

P.W./Sheriff's L.P. Substation DWP Lease Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to A) approve the Acceptance of Terms from the Los Angeles Department of Water and Power to install an addition to the Lone Pine Sheriff's substation; and B) authorize the Chairperson to sign the acknowledgement. Motion carried unanimously, with Supervisor Tillemans absent.

P.W./Rd. Valley Rd. Parcel Map Supervisor Arcularius recused herself and left the meeting. Prior to exiting the meeting Supervisor Arcularius turned the meeting over to the Vice-Chairperson, Supervisor Rick Pucci, who presided as Chairperson over this item. The Interim Public Works Director, Mr. Doug Wilson, provided additional information on the request to accept the offer of right-of-way dedication of Round Valley Road and approve Parcel Map 395. Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to accept the offer of a variable width right-of-way dedication of Round Valley Road and approve Parcel Map No. 396. Motion carried unanimously, with Supervisors Arcularius and Tillemans absent. Supervisor Arcularius rejoined the meeting.

P.W./Budget Amendment and Recommendation For Indy Town Roads Rehabilitation Project The Interim Public Works Director, Mr. Doug Wilson, explained that the low bid submitted for the project Independence Town Roads Rehabilitation Project has been declared non-responsive because of a lack of an appropriate signature. He said the low bidder had indicated they were going to protest the recommendation to award the contract to the next low bidder, noting that to his knowledge no one from the Company was present. The Chairperson asked that anyone wishing to protest the staff recommendation address the Board and there was no one coming forward.

County Counsel, Mr. Randy Keller, provided additional information and further explanation for the reasoning behind the bid being declared non-responsive. He said that the person who signed the bid did so as an attorney-in-fact (pursuant to a power of attorney) for the sole proprietor of the business and that the attorney-in-fact could not subject the proprietor to the penalty of perjury for numerous certifications as required by the Request for Bids. Mr. Wilson went on to make the recommendation that the Board award the bid for the Independence Town Roads Rehabilitation Project to the lowest responsive bidder, Kanayan Construction of Rimforest, California in the amount of \$955,598.22. The Board and staff went on to discuss the financing for the project. Moved by Supervisor Kingsley and seconded by Supervisor Pucci to A) amend the FY 2012-13 State Funded Road Budget Unit 034601 by increasing estimated revenue in State Other (*Revenue Code #4499*) by \$985,000, and Other Agencies (*Revenue Object Code #4599*) by \$250,000 and increasing appropriations in Independence Town Roads Rehabilitation (*Object Code #5733*) by \$1,235,000; and B) award the bid and approve the Contract for the project to William Kanayan Construction, Inc., of Rimforest, California in the amount of \$955,598.22, plus the amount of \$36,000 for additive bid item No. 1 for a total amount of \$991,598.22; authorize the Chairperson to sign contingent upon the appropriate signatures being obtained; and authorize the Public Works Director to execute all other Contract documents, including contract change orders, to the extent permitted by Public Contract Code §20142 and other applicable law. Motion carried unanimously, with Supervisor Tillemans absent.

Planning/Health
Aging Project

The Board received an update from Cathreen Richards, Associate Planner, about the progress on the Neighborhood Planning for Healthy Aging Project. The Board and staff discussed the project specifics, as well as the Board's representation on the Committee. It was believed that Supervisor Kingsley was going to be appointed to the Committee to represent the Eastern Sierra Area Agency on Aging Governing Board. In light of that appointment Supervisor Arcularius offered to represent the Board of Supervisors if Mr. Kingsley is appointed for ESAAA. Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to appoint Supervisor Kingsley to represent the Board of Supervisors on the stakeholder committee for the Neighborhood Planning for Healthy Aging Project and participate in the community workshop if he is not already appointed to the Committee to represent ESAAA, and if Supervisor Kingsley is already appointed representing ESAAA, to appoint Supervisor Arcularius to represent the Board of Supervisors on the Committee and participate in the community workshop. Motion carried unanimously, with Supervisor Tillemans absent.

Resol. #2013-14/
CPUC SCE
Proposal Funding

Ms. Cathreen Richards, Associate Planner, reviewed the staff report concerning the types of proposals the County would be submitting to SCE for CPUC funds. The Board and Ms. Richards, discussions included, (a) concerns that proposals not place additional burdens on homeowners to be energy efficient, (b) that the proposal is aimed at education and providing an incentive for green compliance, (c) that this is a proposal to secure funds for future use, (d) concerns that the funds being recommended are General Fund dollars, (e) that there is really no need for a revolving fund that secures energy efficiency savings for County projects, and (f) the need to obtain outside funding so that County General Fund money is not used. On a motion by Supervisor Kingsley and a second by Supervisor Pucci, Resolution No. 2013-14, titled "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Declaring Its Support and Directing Staff to Submit a Proposal to the Southern California Edison Company Under the Auspices of the California Public Utilities Commission," was approved with the condition that no County funds are used for any projects: motion unanimously passed and adopted, with Supervisor Tillemans absent.

Planning/DRECP
MOU

The Planning Director, Mr. Josh Hart, provided additional information and further justification for the recommendation that the Board approve the MOU with the CEC concerning participation in the DRECP. The Board, Mr. Hart and staff discussed various aspects of the MOU including (a) the need to ensure that transmission of energy through the Owens Valley is beneficial to the citizens of the County; (b) that the MOU does not bind the County to do anything different than what the County is already doing; (c) the possibility of partnering with the Sierra Business Council for outreach assistance; (d) that the plan will withdraw large portions of federal lands within Inyo County for the protection of species; (e) that by approving the MOU the County does not relinquish its right to challenge the plan in the future; and (f) that the development of a General Plan overlay will reflect the needs of the County, which is the first thing that has to be looked at as these projects move forward.

Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to A) review and approve the Memorandum of Understanding between the California Energy Commission and the County of Inyo Regarding Participation and Engagement in the Development of the Desert Renewable Energy Conservation Plan and authorize the Chairperson to sign; and B) direct staff regarding preparation of a proposal in response to the California Energy Commission's Request for Proposals for Renewable Energy and Conservation Planning Grants for the Board's consideration. Motion carried unanimously, with Supervisor Tillemans absent.

CAO-Adv. Co.
Resc./Langley Film
Commissioner
Contract

The County Administrator provided additional information and further justification for the request to approve the Film Commissioner Contract. Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to approve the Contract between the County of Inyo and Chris Langley for Film Commissioner Services for the period of April 1, 2013 through December 31, 2014, in an amount not to exceed \$71,975, 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, with Supervisor Tillemans absent.

Emerg. Serv./D.V.
Roadeater Emerg.

The County Administrator recommended that the Board continue the Death Valley Road Eater Emergency. Moved by Supervisor Griffiths and seconded by Supervisor Kingsley 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, with Supervisor Tillemans absent.

Recess/
Reconvene

The Chairperson recessed the regular meeting at 11:08 a.m., to reconvene in open session at 11:15 a.m., with all Board Members present.

Library/MOU w/
Superintendent Of
Schools for Library
Enhancements

Ms. Nancy Masters, Library Director, provided additional information and further explanation of the enhancements to the County's Library System as a result of the MOU with the Superintendent of Schools. Moved by Supervisor Griffiths and seconded by Supervisor Pucci to review and approve the Memorandum of Understanding Between the County of Inyo, the Inyo County Superintendent of Schools, and the Inyo County Board of Education Regarding Enhancements to the Inyo County Free Library System, and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Tillemans absent.

Planning/Forest
Serv. MOA on
Management Plan

The Planning Director, Mr. Josh Hart highlighted a number of issues addressed in the draft Memorandum of Agreement (MOA) with the Inyo National Forest for the Revision of the Inyo National Forest Land and Resource Management Plan which included (a) that the MOA is being proposed to ensure that the development of a Forest Plan is consistent with the Forest Service Planning Rule and is in harmony with the County's plans and policies; (b) the MOA designates the County as a cooperating agency; (c) it provides a framework for cooperation and coordination; (d) it provides for the County's input into the plan; (e) it specifies frequent meetings between County staff, the Board of Supervisors and the Forest Services; (f) there is a very specific scope of work that is included as attachment 1 to the MOA that includes a detailed conceptual schedule that will be redefined as the process moves forward; (h) it details specifics about information exchange and confidential information; and (i) it protects the County's right to participate in plan development outside of the MOA.

Inyo Forest Supervisor Ed Armenta and Susan Joyce, Forest Service Staff, provided additional information regarding the MOA. Mr. Armenta said that he has been in contact with Mr. Horscht Grishmel of CEQ which was a County contact that is proving to be very beneficial. He also said that there are still several areas of the MOA where the Forest Service has to have input from the Washington office and its General Counsel before it can be finalized, thus it is not ready for approval yet.

The Board, Mr. Armenta, Mr. Hart and Ms. Joyce also reviewed the MOA and discussed the following: (a) the need to specifically reference the word coordination in the Coordination section of the MOA; (b) that the MOA was developed to promote communication between the County and the Forest Service; (c) a review of the steps the planning rule requires, i.e., identifying best available scientific informational review of the County planning and land use policies; doing assessment of socio-economic and ecological conditions and trends; identifying species of conservation concerns; development of plan components for the new revised plan; and development of a monitoring program, and how the schedule was developed around these items; (d) that the final decision making authority is Mr. Armenta; (f) how the County's input will be memorialized in both the Environmental Impact Statement and the Record of Decision; (g) the need to make this MOA

consistent with the MOA developed by RCRC and CSAC which was signed by the Regional Forrester; and (h) how information will be shared and released to the public; (i) how and when the MOA will terminate. Mr. Armenta responded to a question from Supervisor Arcularius regarding when this MOA could be finalized, by saying that he would return next month with an update on the status of the legal review of the MOA. Mr. Armenta went on to talk about other issues of interest including the Ecological Restoration Implementation Plan. He said he would like to meet with the County to determine items that can be agreed upon. He said that the County had disagreed with his position on the Mountain Yellow Legged Frog which he said required the elimination of non-native fish. He said that he would be holding firm on this decision because it was required in order to keep the Frog off the Endangered Species List. He said that with regard to the County's request for eradication of straggles which is a native species he has agreed to site specific eradication. Mr. Armenta updated the Board on the Travel Management Restoration Plan that is a continuation of the Travel Management Decision that is requiring the closure of certain routes. The County Administrator advised Mr. Armenta of the closure of many routes with concealed spikes that are intended to puncture tires and radiators. Mr. Armenta was very concerned about this assuring the Board that this was not something that was condoned by the Forest Service and indicating that he would look into this matter. The County Administrator offered to take Mr. Armenta to several of these illegal closure sites.

BofS/Minute
Approval

Moved by Supervisor Pucci and seconded by Supervisor Griffiths to approve the minutes of the Board of Supervisors Meeting of March 12, 2013. Motion carried unanimously, with Supervisor Tillemans absent.

Recess/
Reconvene

The Chairperson recessed the regular meeting at 12:30 p.m., to reconvene in open session at the conclusion of the Board of Equalization Meeting 4:15 p.m.

Public Comment

The Chairperson announced the second public comment period and there was no one from the public wishing to address the Board.

Closed Session17.

The Chairperson recessed open session at 4:15 p.m., to reconvene in closed session, with all Board Members present to discuss and take action as appropriate on Agenda Items No. 17. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code § 54956.9(d)(1)].** *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. 18. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code § 54956.9(d)(1)].-** *Sprint Telephony PCS, LP et.al., v. State Board of Equalization et al., San Francisco Superior Court Case No. CGC-11-511398;* No. 19. **PERSONNEL [PURSUANT TO GOVERNMENT CODE § 54957]** - Public Employee Performance Evaluation Title: County Counsel; No. 20. **PERSONNEL [Pursuant to Government Code § 54957].** Public Employee Appointment - Title: County Counsel; No. 21. **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. 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: Information Services Director Brandon Shults, 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: Information Services Director Brandon Shults, and 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: Information Services Director Brandon Shults, and Labor Relations Administrator Sue Dishion; 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: Information Services Director Brandon Shults, Chief Probation Officer Jeff Thomson, and Labor Relations Administrator Sue Dishion; and 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: Information Services Director Brandon Shults, and Labor Relations Administrator Sue Dishion.

Report on Closed Session The Chairperson recessed closed session at 6:05 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 regular meeting at 6:05 p.m., to 9:00 a.m., Tuesday April 2, 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