



# County of Inyo Board of Supervisors

## April 20, 2010

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, April 20, 2010, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Richard Cervantes presiding, Linda Arcularius, Susan Cash, Beverly Brown, and Marty Fortney. Supervisor Cervantes provided the Invocation, and Supervisor Fortney 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. Linda Anisman, Director of Child Support Services, informed the Board that the County's CSS Program is rated in the top 10 counties in the State for this federal fiscal year and commended her staff. The County Administrator, Mr. Kevin Carunchio, told the Board that the Contract with Terra Verde is in place and site visitations are proceeding.
- Emerg. Serv./ Oak Creek Mud Flow      Moved by Supervisor Fortney and seconded by Supervisor Arcularius to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.
- P.W/Electrical Upgrade Plans & Specs      Moved by Supervisor Fortney and seconded by Supervisor Arcularius to approve the Plans and Specifications for the Inyo County Electrical Upgrade Project and authorize the Public Works Director to advertise for bids for the project. Motion carried unanimously.
- Fish & Wildlife/Mt. Whitney Fish Hatchery      Mr. Bruce Ivy of the Friends of the Mt. Whitney Fish Hatchery, made a presentation to the Board showing pictures and explaining the various projects that have been completed by the group at the Fish Hatchery. He provided further information on the request from the Friends for a donation from the Fine Fund to cover the final \$6,000 needed in order to begin construction of the Interpretive Center. Mr. Ivy went on to introduce the members of the Board of Directors to the Board of Supervisors.
- Fish & Wildlife/ Donation to Friends of the Mt. Whitney Fish Hatchery      Moved by Supervisor Fortney and seconded by Supervisor Arcularius to approve a \$6,000 donation to the Friends of the Mt. Whitney Fish Hatchery from the Fine Fund to be used to aid them in the development and construction of a Wildlife Interpretive Center at the Mt. Whitney Fish Hatchery and authorize the Auditor-Controller to pay the amount of \$6,000 to the Friends of the Mt. Whitney Fish Hatchery. Motion carried unanimously.
- CAO-Adv. Co. Resc./ L.P. and D.V. Community Sponsorship Projects      Moved by Supervisor Fortney and seconded by Supervisor Cash to approve the following final payments from the FY 2009-10 Advertising County Resources Budget Unit 011400 to the following for completion of Community Project Sponsorship Grant projects: A) \$3,500 to the Lone Pine Chamber of Commerce for one project and B) \$1,662.50 to the Death Valley Chamber of Commerce for one project. Motion carried unanimously.
- HHS-Behavioral Hlth Serv./Temp Office Assist Position      Moved by Supervisor Cash and seconded by Supervisor Arcularius to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the requested position exists, as certified by the Health and Human Services Director and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates meet the qualifications for the position, the vacancy could possibly be filled through an internal recruitment, but a list is already established to fill this position; and C) approve the hiring of one temporary Office Assistant II at Range 46 (\$12.65/hr) off of the current eligibility list; and direct Personnel to counsel County employees who may be candidates for the position of the effect of the County's lay off procedures on changes in position. Motion carried unanimously.

County Counsel/ Deputy County Counsel Position	Moved by Supervisor Cash and seconded by Supervisor Fortney to A) change authorized strength by deleting one Assistant County Counsel position at a flat pay rate of \$8,707 and adding one Deputy County Counsel Position I –IV at Range 76 through 85 (\$4,768 through \$7,195) + (10% premium license stipend); and B) find that consistent with the adopted Authorized Position Review Policy: (a) the availability of funding for the requested position exists, as certified by County Counsel and concurred with by the County Administrator and the Auditor-Controller; (b) where internal candidates meet the qualifications for the position, the vacancies could possibly be filled through an internal recruitment, however there are no qualified internal candidates and an open recruitment is required; and (c) authorize County Counsel to recruit and hire one Deputy County Counsel III at Range 82 (\$6,053 - \$7,349*) or Deputy Counsel IV at Range 85 (\$6,511 – \$7,915*) (*includes 10% premium license stipend), contingent upon qualifications and further direct Personnel to counsel County employees who may be candidates for the position of the effect of the County's lay off procedures on changes in position. Motion carried unanimously.
Integ. Waste/Gate Attendant Position	Moved by Supervisor Fortney and seconded by Supervisor Arcularius to find that consistent with the adopted Authorized Position Review Policy A) the availability of funding for the requested position exists as certified by the Department Head and concurred with by the County Administrator and Auditor-Controller and B) authorize the filling of the Gate Attendant position at Range 43 (\$2,206 - \$2,683) from a recently established eligibility list; and further direct Personnel to counsel County employees who may be candidates for the position of the effect of the County's lay off procedures on changes in position.
P.W/Tecopa Sewage Pond Repair Project Engineering Services Contract Amendment	The Public Works Director provided information on the Tecopa Sewage Pond Repair Project. At the suggestion of the County Administrator, the Board requested that a workshop with the Integrated Management and Public Works staff be scheduled to bring the Board up to date on the Project. Moved by Supervisor Fortney and seconded by Supervisor Cash to ratify and approve Amendment No. 10 to the Contract between the County of Inyo and Eastern Sierra Engineering for engineering services, increasing the amount of the Contract from \$440,000 to \$447,000 for the Tecopa Sewage Pond Repair Project; and authorize the Public Works Director to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 9:55 a.m., to reconvene in open session at 10:05 a.m., with all Board Members present.
Planning/BLM Solar Energy Dev. PEIS Correspondence	Mr. Josh Hart, Senior Planner, discussed the BLM Solar Energy PEIS with the Board. The Board and staff discussed the solar opportunities in the southeast portion of the County. Moved by Supervisor Arcularius and seconded by Supervisor Fortney to A) approve correspondence to the Bureau of Land Management (BLM) regarding the Solar Energy Development Programmatic Environmental Impact Statement (PEIS) and authorize the Chairperson to sign; B) authorize staff identified in the Staff Report to participate in the Interagency Working Group; and C) authorize the County Administrative Officer (CAO) to sign the Confidentiality/Nondisclosure Agreement among Federal, State, and Local Agencies. Motion carried unanimously.
Planning/Coso Contract	The Water Director, Dr. Bob Harrington, provided additional information regarding the Coso CUP. Moved by Supervisor Brown and seconded by Supervisor Cash to A) approve and ratify the Contract between the County of Inyo and Coso Operating Company for the provision of evaluation of the approved Conditional Use Permit No. 2007-03/Coso Operating Company in an amount not to exceed \$182,667, beginning July 1, 2009 and ending as provided within the contract, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign; and B) approve and ratify the Contract between the County of Inyo and Daniel B. Stephens & Associates, Inc., for consulting services for the Rose Valley Groundwater Model Review and Recalibration in an amount not to exceed \$114,942, beginning April 15, 2010 and ending April 15, 2011, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign. Motion carried unanimously.
Planning/AB 32	The Board and Staff discussed AB 32 and subsequent legislation that are increasing the requirements of the law. They talked about how AB 32 requirements will impact all aspects of people's lives. The Board expressed their concern with the California Legislature continuing to pass legislation to expand restrictions on the state's commerce without regard to the down turn in the economy which is negatively impacting the State's revenue sources as well as our local economy. The Board and staff's discussion included, how all encompassing this legislation is; how a one-size fits all approach does not work; how this legislation potentially reallocates business outside of the area and the state; the validity and accuracy of the economic analysis; concern that this is an

attempt to usurp local land use authority; and how the County should respond given that the repeal of the law is highly unlikely. The Board talked about and directed the Planning Director to send a letter to the California Air Resources Board (CARB), who have agendized the implementation of AB 32 for their April 21 and 22, 2010 Meeting, to identify the County's concerns and recommend that CARB minimize the burdens this legislation places on local businesses and citizens.

- Rd. Dept./No. Round Valley Road Speed Limit  
The Chairperson opened the public hearing at 11:25 a.m., on an ordinance titled "an Ordinance of the Board of Supervisors of the County of Inyo, State of California, Establishing 40 Miles Per Hour as the Prima Facie Speed Limit on a Portion of North Round Valley Road. The Public Works Director, Mr. Ted Pedersen, reviewed the statistics from the engineering study that justified the speed limit being 40 miles per hour on a portion of N. Round Valley Road. There was no one wishing to address this issue. The Chairperson closed the public hearing at 11:30 a.m. Moved by Supervisor Arcularius and seconded by Supervisor Brown to waive the first reading of the ordinance and schedule the enactment for 11:00 a.m., April 27, 2010 in the Board of Supervisors Room, at the County Administrative Center, in Independence. Motion carried unanimously.
- Ord. 1153/ZR 2010-01/Calvary Baptist Church  
On a motion by Supervisor Brown and a second by Supervisor Arcularius, Ordinance 1153 titled "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Approving Zone Reclassification No. 2010-01/Calvary Baptist Church and Amending the Zoning Map of the County of Inyo by Reclassifying the Southern Portion of a 2.79-Acre Site Located at 1100 W. Line Street (APN 011-280-18) from Open Space, 40-Acre Minimum (OS-40) to Highway Services & Tourist Commercial (C-2) Thereby Making C-2 Zoning Uniform Over the Entirety of the Parcel," was enacted: motion unanimously passed and adopted.
- BofS/Support of AB 1929  
Supervisor Arcularius provided further information on AB 1919. Moved by Supervisor Arcularius and seconded by Supervisor Brown to approve letters to Senator Ashburn and Assembly Member Conway in support of AB 1929 to provide relief from liability for mussel infestations; and authorize the Chairperson to sign. Motion carried unanimously.
- BofS/2010 Leg Platform  
The Board and staff discussed the 2010 Legislative Platform noting specific legislation and items that should be changed as follows: page 5 item #15 add the word "for" in front of "increase fees;" add legislation concerning mussels per today's earlier discussion; under Ag add oppose legislation that takes permitting of pesticide control on irrigated land away from local Agricultural Commissioners; page 5 item #7 add language to support repeal of this legislation; page 1 last bullet under Ag add private lands; under Transportation and Public Works add an item to support legislation that enhances the counties abilities to determine the appropriate use of its roads; under Law and Justice add item to support legislation that will complete the work initiated through the Trial Court Unification Act by making justice system costs that are controlled or imposed by the judiciary but inadvertently remain the responsibilities of the Counties the clear responsibility of the State of California and the California Superior Court to fund; under Budget and Fiscal add language that supports legislation that reaffirms a County's discretion in and ability to collect taxes on the citing, development and operation of a commercial scale and larger renewable energy projects; under Law and Justice add language that specifically addresses fiscal impacts associated with the early release of prisoners should be borne by the State. Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve the 2010 Legislative Platform, as amended. Motion carried unanimously.
- Recess/Reconvene  
The Chairperson recessed the regular meeting at 12:00 p.m., to reconvene in open session at 1:00 p.m., with all Board Members present
- Water/Central NV Water Authority MOU  
The Water Director, Dr. Bob Harrington, provided additional information and reviewed the changes between the previous MOU and the proposed MOU with the Central NV Water Authority. Moved by Supervisor Arcularius and seconded by Supervisor Cash to approve the Memorandum of Understanding (MOU) between the County of Inyo and the Central Nevada Water Authority; and authorize the Chairperson to sign. Motion carried unanimously.
- Water Dept./DWP Annual Operations Plan  
The Water Director, Dr. Bob Harrington, informed the Board that the County has not received LADWP's proposed Annual Operations Plan, which is due before 5:00 p.m. today. He said that he would bring this item back next week for discussion of the Plan. Dr. Harrington also said that the Water Commission is scheduled to have a meeting on Monday to review the Plan for its comments and those will be provided to the Board next week.

- Closed Session      The Chairperson recessed open session at 1:05 p.m., to convene in closed session, with all Board Members present to discuss and take action as appropriate on Agenda Items No. **PERSONNEL [Pursuant to Government Code §54957]** – Public Employee Performance Evaluation – Title – Child Support Services Director. The Chairperson recessed closed session at 1:25 p.m. to reconvene in open session at 1:30 p.m., with all Board Members present.
- CAO-Purchasing Ordinance Changes for Local Preference      The Board, County Administrator, County Counsel, staff and members of the audience continued to discuss the Purchasing Ordinance to incorporate small, disabled veteran, and local contracting preferences into the County’s purchasing policies. Members of the public who addressed the Board to support this ordinance were Mr. David Tanksley, Mr. Russ Aldridge, Ms. Tawni Thomson, and Mr. Dan Stone. The Board asked that the following be incorporated into the ordinance, as recapped by County Counsel and the County Administrator and, it be returned for the first reading sometime in the near future: language that provides that if no Inyo County local business is within 5% of the lowest bid then a Mono County business would be considered a local business; language that provides local businesses get an additional 3% preference over anyone else; delete the alternatives; delete section 040 (clerical error); language that for public contracting code projects those with 10% or more small businesses used they would be eligible for a 5% preference; language for a preamble; and clarification that it is everyone’s expectation that the staff person preparing the bid package or the RFP identify the applicability of this ordinance so that we don’t have people coming in with false expectations. Moved by Supervisor Arcularius and seconded by Supervisor Cash that the County Administrator and County Counsel come back with an ordinance incorporating the language that was talked about here to go through the ordinance process in three weeks. Motion carried unanimously.
- BofS/FS Planning Rule Conference Call      The Board discussed last week’s Forest Service conference call with the Regional Forester, Mr. Randy Moore, on the Forest Service’s Planning Rule. Supervisor Arcularius noted that she had participated in the meeting at the RCRC offices in Sacramento.
- 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 to reconvene in closed session, with all Board Members present, to discuss and take action as appropriate on Agenda Items No. 23. **REAL PROPERTY NEGOTIATIONS - CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Pursuant to Government Code §54956.8)** – Property – APN008-240-01, Bishop, California – Negotiating Parties – County Administrator and Mitchell Asset Group – Negotiations – Terms and Conditions; No. 24. **REAL PROPERTY NEGOTIATIONS - CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Pursuant to Government Code §54956.8)** – Property – APN010-490-08, Bishop, California – Negotiating Parties – County Administrator and Joseph Enterprises – Negotiations – Terms and Conditions; No. 25. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: ICEA - Negotiators: CAO Kevin Carunchio and Labor Relations Administrator Sue Dishion; and No. 27. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Law Enforcement Administrator’s Association (LEAA) - Negotiators: CAO Kevin Carunchio and Labor Relations Administrator Sue Dishion.
- Report on Closed Session      The Chairperson recessed closed session at 5:30 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 were required by law to be reported on.
- Adjournment      The Chairperson adjourned the regular meeting at 5:30 p.m. to 9:00 a.m., Tuesday, April 27, 2010 in the Board of Supervisors Room, at the County Administrative Center, in Independence.

---

*Chairperson, Inyo County Board of Supervisors*

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

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