

MINUTES

County of Inyo Board of Supervisors

July 6, 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, July 6, 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 Brown 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. Mr. Ted Pedersen, Public Works Director, reported the he is monitoring the Bishop Creek diversion to the bypass.
- Emerg. Serv./Oak Creek Mud Flows Moved by Supervisor Cash and seconded by Supervisor Fortney to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.
- Resol. #2010-27/
Purchasing Policy Amendment On a motion by Supervisor Cash and a second by Supervisor Fortney, Resolution No. 2010-27 was approved amending the Inyo County Purchasing Policy and Contracting Manual to implement Chapter 6.06 of the Inyo County Code (Contracting Preferences): motion unanimously passed and adopted.
- HHS-Behavioral Hlth. Serv./Villa Merced Center Contract Moved by Supervisor Cash and seconded by Supervisor Fortney to ratify the Contract between the County of Inyo and Country Villa Merced Behavioral Health Center for residential placement for adults in a locked facility in an amount not to exceed \$30,000 for the period of July 1, 2010 through June 30, 2011, contingent upon the Board's adoption of a FY 2010-2011 budget; and authorize the Chairperson to sign. Motion carried unanimously.
- HHS-Mental Hlth. Serv./Office of Ed MOU Moved by Supervisor Cash and seconded by Supervisor Fortney to approve the Memorandum of Understanding with the Inyo County Office of Education for the receipt of funds to provide mental health services to emotionally disabled children, for FY 2010-2011; and authorize the Director of Health and Human Services to sign. Motion carried unanimously.
- HHS-Behavioral Hlth. Serv./Sprague Contract Moved by Supervisor Cash and seconded by Supervisor Fortney to ratify the Contract between the County of Inyo and Jeanette Sprague, MFT for the provision of mental health services as a part of the Mental Health Services Act (MHSA) Community Services and Supports (CSS) Plan in an amount not to exceed \$35,000 for the period of July 1, 2010 through June 30, 2011, contingent upon the Board's adoption of a FY 2010-2011 budget; and authorize the Chairperson to sign. Motion carried unanimously.
- HHS-First 5 Comm./Freedom in Motion Contract Moved by Supervisor Cash and seconded by Supervisor Fortney to approve the Contract between the County of Inyo and Freedom in Motion for School Readiness Services in an amount not to exceed \$28,000 for the period of July 15, 2010, through June 30, 2010, contingent upon the Board's adoption of a FY 2010-2011 budget; and authorize the Chairperson to sign. Motion carried unanimously.
- HHS-First 5 Comm./Board Appointments Moved by Supervisor Cash and seconded by Supervisor Fortney to appoint the following to the Inyo First Five Commission: Ms. Robyn Wisdom, representing the early childhood agency category, to complete an unexpired term ending December 1, 2012, and Ms. Jemima Lamb, representing the parent category, to complete an unexpired term ending February 1, 2012. Motion carried unanimously.

P.W./Amerigas
LPG Contract

Moved by Supervisor Cash and seconded by Supervisor Fortney to ratify the Contract between the County of Inyo and Amerigas for the provision of liquefied propane gas (LPG) for County facilities located in Bishop, Big Pine, Independence, and Lone Pine for the period of July 1, 2010 through June 30, 2013, contingent upon the Board's adoption of future budgets; authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained; and direct that payment be made from the various County Departments that use LPG for heating. Motion carried unanimously.

P.W./City of Bishop
Office Space Lease

Moved by Supervisor Cash and seconded by Supervisor Fortney to ratify the Lease Agreement between the County of Inyo and the City of Bishop for the County Offices located at 301 West Line Street in Bishop, at the rate of \$3,495 per month, for the period of July 1, 2010 through June 30, 2011 contingent upon the Board's adoption of a FY 2010-2011 budget; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.

Resol. #2010-28/
Indy Reservoir
Completion Notice

On a motion by Supervisor Cash and a second by Supervisor Fortney, Resolution No. 2010-28 was approved accepting the improvements and authorizing the recording of a notice of completion for the Independence Reservoir Replacement Project: motion unanimously passed and adopted.

Resol. #2010-29/N.
Barlow/Dixon Lane
Completion Notice

Mr. Ted Pedersen, Public Works Director, responded to questions from the Board. He confirmed that the Contractor would receive final payment for the project 30 days from the date of the Notice of Completion. On a motion by Supervisor Arcularius and a second by Supervisor Brown, Resolution No. 2010-29 was approved accepting the improvements and authorizing the recording of a Notice of Completion for the North Barlow/Dixon Lane Improvement Project: motion unanimously passed and adopted.

Sheriff/Stock Trailer
Donation

Sheriff Bill Lutze, thanked Marty and Marcy Williams of Wye Road Feed for their very generous donation of a stock trailer to the Animal Control Program. The Board joined with the Sheriff in thanking the Williams' for their kind donation. Moved by Supervisor Cash and seconded by Supervisor Brown to accept the donation to the Inyo County Sheriff's Department/Animal Services Division of a 1987 Circle "J", 4 horse stock trailer, Vehicle Identification Number 1WZL162J987128363, valued at \$3,550 from Wye Road Feed and Supply, Marty and Marcy Williams Owners; and direct Staff to draft a letter thanking the Williams' for their donation to be signed by the Chairperson and the Sheriff. Motion carried unanimously.

HHS-Health
Services/Nurse
Practitioner Position

Ms. Jean Turner, Director of Health and Human Services, provided additional information and further explanation for the request to hire a Family Nurse Practitioner. Ms. Tamara Cohn, Clinical Services Director, also addressed the Board to provide information on the position. Moved by Supervisor Fortney and seconded by Supervisor Cash to A) change the Department's authorized strength by deleting the Health Clinic and Outreach Nurse Manager position at Range 84 (\$5,777 to \$7,022), effective September 7, 2010, deleting the BPAR Family Nurse Practitioner (FNP) position and adding one full time Supervising Family Nurse Practitioner position at Range 96 (\$7,747 - \$9,421) effective September 7, 2010; B) approve the Supervising Family Nurse Practitioner job description; and C) find that consistent with the adopted Authorized Position Review Policy, contingent upon the Board's adoption of a FY 2010-2011 Budget: (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, however, an open recruitment would be more appropriate to ensure qualified applicants apply; and (c) authorize the hiring of one full time Supervising Nurse Practitioner at Range 96. Motion carried unanimously.

HHS-Social Serv./
Temporary HHS and
Cook Positions

Moved by Supervisor Cash and seconded by Supervisor Arcularius to find that consistent with the adopted Authorized Position Review Policy, contingent upon the Board's adoption of a FY 2010-2011 Budget: A) the availability of funding for the requested positions exists, as certified by the Health and Human Services Director and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates met the qualifications for the position, the vacancies could possibly have been filled through an internal recruitment, however, open recruitments were deemed to be more appropriate for these temporary assignments, if a qualified candidate was not found on an existing list; and C) ratify the hiring of one temporary Health and Human Services Specialist at Range 053PT (\$14.89 to \$18.12 per hour) and one temporary Cook at Range 046PT, (\$12.65 to \$15.42 per hour). Motion carried unanimously.

P.W./Indy Town Water Tanks LADWP Easement	Moved by Supervisor Fortney and seconded by Supervisor Arcularius to approve the purchase of the easement from the Los Angeles Department of Water and Power in the amount of \$5,000 for the placement of the Independence Town water tanks on LADWP land, contingent upon the adoption of the FY 2010-2011 budget. Motion carried unanimously.
Integ. Waste/Landfill Gas Monitoring Probes Plans & Specs.	Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve the plans and specifications for the installation of Landfill Gas (LFG) Monitoring Probes at the Independence and Tecopa landfills and, if approved, authorize Waste Management to seek bids from qualified well drilling companies for the project. Motion carried unanimously.
Integ. Waste/Managing Landfill Engineer Position	Moved by Supervisor Cash and seconded by Supervisor Fortney 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 open recruitment of a Managing Landfill Engineer, at Range 81 (\$5,364 - \$6,522). Motion carried unanimously.
Water Dept./Correspondence re: Annual Operations Plan	The Water Director, Dr. Bob Harrington, reviewed the request for direction to Staff regarding the correspondence to DWP on the Annual Operations Plan, revisions to the Green Book and Technical Group study of vegetation and the renewal of the Cooperative Studies Funding Agreement. The Board and Staff discussed the Staff Report in detail and at length. Moved by Supervisor Arcularius and seconded by Supervisor Cash to send the letter, as drafted, keeping the March 31, 2010 deadline in the Cooperative Studies Agreement. Motion carried unanimously.
Recess/Reconvene	The Chairperson recessed the regular meeting at 10:05 a.m., to reconvene in open session at 10:15 a.m., with all Board Members present.
Planning/USFS Rule Planning Meeting	The Board and staff discussed the need to strongly reinforce the County's written comments to the proposed Planning Rule. The Board also discussed the importance of having County representation at the meeting in Washington D.C. After further discussion on the issue, it was decided that Supervisor Fortney, along with the Planning Director, Mr. Josh Hart and the County Administrator, Mr. Kevin Carunchio would travel to Washington D.C. to attend the U.S. Forest Service Land Management Planning Rule meeting in Washington D.C., on July 29 and 30, 2010.
BofS/Minute Approval	Move by Supervisor Brown and seconded by Supervisor Fortney to approve the minutes of the Board of Supervisors Meetings of A) June 8, 2010 and B) June 15, 2010. Motion carried unanimously.
District/Indy Fire Protection Election Consolidation	Moved by Supervisor Fortney and seconded by Supervisor Cash to order the election for the Independence Fire Protection District Fire Commissioner be consolidated with the Statewide General Election to be held on November 2, 2010. Motion carried unanimously.
District/No. Inyo Hospital Election Consolidation	Moved by Supervisor Arcularius and seconded by Supervisor Cash to order the Northern Inyo Hospital District Election of Directors be consolidated with the Statewide General Election to be held on November 2, 2010. Motion carried unanimously.
District/So. Inyo Healthcare Election Consolidation	Moved by Supervisor Fortney and seconded by Supervisor Cash to order the Southern Inyo Healthcare District General Election be consolidated with the Statewide General Election to be held on November 2, 2010. Motion carried unanimously.
Closed Session	The Chairperson recessed open session at 10:40 a.m., to convene in closed session with all Board Members present to discuss and take action as appropriate on Agenda Items No. 30. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(a)] – People of the State of California v. Sean McClelland; Inyo County Tax Collector; et al; Inyo County Superior Court Case No. SICVED 07-45105; No. 31. 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, Undersheriff Jim Jones, Deputy County Counsel Susanne Rizo, Chief Probation Officer Jeff Thomson; No. 32. 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; and No. 33. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Elected Officials Assistants Association (EOAA) - Negotiators: CAO Kevin Carunchio and Labor Relations Administrator Sue Dishion. Supervisor Cash declared a conflict and left closed session at 10:55 a.m., Supervisor Cash returned to closed session at 11:10 a.m. Supervisor Fortney declared a conflict and left closed session at 11:25 a.m.

Recess/
Reconvene The Chairperson recessed closed session at 11:29 a.m., to reconvene in open session at 11:30 a.m., with all Board Members present.

Post Agenda/
Yucca Mt. Closed
Session County Counsel, Mr. Randy Keller, submitted a closed session Post Agenda item for the Board's consideration. Mr. Keller explained that an issue arose in the matter of the Yucca Mountain Repository after the Agenda for today's meeting was posted and there is a need for the Board to make a decision on the matter prior to the next regularly scheduled meeting. Moved by Supervisor Fortney and seconded by Supervisor Arcularius to find that a matter concerning a closed session item, **Conference with Legal Counsel – Existing Litigation (Pursuant to Government Code §54956.9(a))** – In the matter of authorization to construct a Geologic Repository at Yucca Mt., NRC Docket No. 63-001; CLI-08-25, arose after the Agenda for the July 6, 2010 Board of Supervisors Meeting was posted, and there is a need for the Board to take action on this item prior to the next regularly scheduled meeting, therefore this item is added as Closed Session Agenda Item No. 33A. Motion carried unanimously.

Planning/Public
Hearing Z.R. Barker The Chairperson opened the public hearing at 11:35 a.m., on a proposed ordinance titled "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Approving Zone Reclassification No. 2010-02/Barker and Amending the Zoning Map of the County of Inyo by Rezoning a 5-acre Parcel (APN 038-340-20) in the Community of Trona from Rural Residential (RR) to Heavy Commercial (C-4)" and to approve the following actions for a 5-acre site located in Trona (APN 038-340-20) – General Plan Amendment #2010-02/Barker and Zone Reclassification #2010-03/Barker. Ms. Tanda Gertz, Senior Planner, presented the Staff Report and reviewed the staff recommendations, concerning the Zone Reclassification. The Board and Staff discussed the mitigation for the dust, including how the mitigation is enforced. The Applicant addressed the Board to support the application and provide additional information regarding the dust mitigation. The Chairperson closed the public hearing at 12:00 p.m.

Resol. #2010-30/
CEQA
Requirements On a motion by Supervisor Arcularius and a second by Supervisor Fortney, Resolution No. 2010-30, certifying that the requirements of the California Environmental Quality Act (CEQA) have been met and approving General Plan Amendment #2010-03/Barker was approved: motion unanimously passed and adopted.

Planning/Ord.
Adoption Z.R.
Barker Moved by Supervisor Arcularius and seconded by Supervisor Fortney to waive the first reading of the Ordinance and schedule the enactment for 11:30 a.m., Tuesday, July 13, 2010, in the Board of Supervisors Room, at the County Administrative Center in Independence. Motion carried unanimously.

Recess/
Reconvene The Chairperson recessed the regular meeting at 12:00 p.m. He announced that the Board would be attending the Swearing-In Ceremony for the 2010-2011 Inyo County Grand Jury and then taking a lunch break. The Chairperson reconvened the regular meeting at 1:30 p.m., with all Board Members present.

P.W./Floodplan
Workshop The Board convened in a workshop with representatives of the Public Works Department concerning FEMA actions regarding floodplain designations in Inyo County. The Chairperson recessed the workshop at 2:05 p.m.

Board Members and
Staff Reports The Board Members reported on their activities during the preceding week, including the Owens Lake Planning Committee Meeting, a Regional Water Plan meeting, an LTC meeting, the California High School Rodeo Finals, the Laws Benefit Concert, an Inyo First Five meeting, an ESTA Meeting, and IMAAA meeting, and notification of out of state travel for DA Staff to attending mandatory training in Oklahoma City.

- 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 3:00 p.m., to reconvene in closed session, with all Board Members present, to continue discussion on previously noted closed session items, including the post agenda closed session item 33A. **Conference with Legal Counsel – Existing Litigation (Pursuant to Government Code §54956.9(a))** – In the matter of authorization to construct a Geologic Repository at Yucca Mt., NRC Docket No. 63-001; CLI-08-25,.
- Report on Closed Session The Chairperson recessed closed session at 3:30 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 3:30 p.m., to 9:00 a.m., Tuesday, July 13, 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*