

MINUTES

County of Inyo Board of Supervisors

August 10, 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, August 10, 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. Rich and Kathy White of the Independence Chamber of Commerce reported on this year's Cal Expo. The Board thanked the Whites for all of their hard work on the County's Cal Expo Exhibit. The Whites went on to present the County with a restored copy of a photograph of the old Tonopah & Tidewater Railroad for the County's museum collection. The Chairperson graciously accepted the photograph on behalf of the County.
- County Department The Chairperson announced the County Department Report period. Ms. Mary Roper, Clerk-
Reports Recorder, informed the Board that her Office is ready with non-gender marriage licenses when and if same sex marriages are allowed in California as a result of the recent Appellant Court's decision. Ms. Jean Turner, Director of Health and Human Services, provided the weekly update of State Budget affects to her department's programs. Ms. Nancy Masters, Library Director, informed the Board of two new opportunities, which are available at the library as a result grant funds, which are funds to get Furnace Creek and Tecopa, connected and a new data base for career transitions to help people find jobs and a data base called mango languages to teach new languages. Sheriff Lutze reported on last night's fiery 3 vehicle crash on U.S. Highway 395 which had garnered national news coverage, resulted in the death of several people, as well as multiple injuries and required emergency response from units in Bishop, Big Pine, Independence, Mammoth and Chalfant, the CHP, Inyo Sheriff, Bishop PD, and the Owens Valley Camp. Mr. Ted Pedersen, Public Works Director, notified the Board that the beacon at the Bishop Airport is now functioning and gratefully thanked the Bishop Rotary Club for their donation, which made the repairs to the beacon possible. Mr. Kevin Carunchio, County Administrator, provided a State Budget update, including reporting that the PERS medical premium amounts came in at 3% more than was originally anticipated.
- Emerg. Serv./Oak Moved by Supervisor Arcularius and seconded by Supervisor Brown to continue the local
Creek Mud Flows emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.
- Resol #2010-37/ On a motion by Supervisor Arcularius and a second by Supervisor Brown, Resolution No. 2010-
Homeland Security 37, titled "A Resolution of the Board of Supervisors of the County of Inyo, State of California,
Grant Application Authorizing the Submittal of the FY 2010 Homeland Security Grant Program Application," was
approved: motion unanimously passed and adopted.
- CAO-Leg Platform/
Support Collective Moved by Supervisor Arcularius and seconded by Supervisor Brown to amend the Calendar 2010
Bargaining Process Inyo County Legislative Platform to add Item No. 20 to the General Government Section to read: *20.*
for Tiered Benefit *Support legislation that would allow "a contracting agency and the exclusive representative of
Package employees of that agency may agree through collective bargaining that the employer contribution for
employee and annuitant health benefits coverage for employees first hired on or after the effective
date of a memorandum of understanding may differ from the employer contribution provided to
existing employees and annuitants pursuant to Sections 22890 and 22892" and any other legislation
that will permit the County to take advantage of a multi-tier benefit package through PERS.* Motion
carried unanimously.
- CAO-Purchasing/
FY 2010-11 Print Moved by Supervisor Arcularius and seconded by Supervisor Brown to award Bid No. 2010-10
Bid Printing for 2010-11 FY, to Community Printing & Publishing, and authorize purchase orders to be
approved for various County Departments to order printing from this bid for FY 2010-11. Motion
carried unanimously.

HHS-Hlth. Serv./ Immunization Outreach State Contract	Moved by Supervisor Arcularius and seconded by Supervisor Brown to ratify and approve the Contract between the County of Inyo and the State of California Department of Public Health for the provision of Immunization Outreach, in an amount not to exceed \$29,750 for the period of July 1, 2010 through June 30, 2011, contingent upon the Board's adoption of a FY 2010-11 budget; and authorize the Chairperson to sign the Agreement, the Darfur Contracting Act Certification, and the Contractor Certification Clause. Motion carried unanimously.
Probation/Extended Day Program Contract	Moved by Supervisor Arcularius and seconded by Supervisor Brown to ratify and approve the Contract between the County of Inyo and Inyo County Superintendent of Schools for an Extended Day Program, in an amount not to exceed \$18,357.20 for the period of July 1, 2010 through June 30, 2011, contingent upon the Board's adoption of a FY 2010-11 budget and receipt from the State of California of Vehicle Licensing Fee (VLF) revenue; and authorize the Chairperson to sign contingent upon the appropriate signatures being obtained. Motion carried unanimously.
Probation/ Delinquency Prevention Program Contract	Moved by Supervisor Arcularius and seconded by Supervisor Brown to ratify and approve the Contract between the County of Inyo and Healthy Communities for a Delinquency Prevention Program in an amount not to exceed \$27,535.20, for the period of July 1, 2010 through June 30, 2011, contingent upon the Board's adoption of a FY 2010-11 budget and receipt from the State of California of Vehicle Licensing Fee (VLF) revenue; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
P.W./Riverside Bridge Replacement Project Engineering Support Contract	Moved by Supervisor Arcularius and seconded by Supervisor Brown to approve Amendment No. 1 to the Contract between the County of Inyo and Quincy Engineering, Inc., for construction support services for the Riverside Bridge Replacement Project, increasing the total Contract amount by \$57,000 to a total not to exceed \$207,000, contingent upon the Board's adoption of a FY 2010-11 budget; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
DA/Assistant DA Position	Mr. Art Maillet, District Attorney, provided additional information and further justification to fill the Assistant DA position, which he informed the Board became vacant as a result of a recent retirement. Moved by Supervisor Cash and seconded by Supervisor Arcularius to A) approve the amended job description for the Assistant District Attorney and B) find that consistent with the adopted Authorized Position Review Policy: 1) the availability of funding for the requested position exists, as certified by the District Attorney and concurred with by the County Administrator and Auditor-Controller; 2) 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 for this position; and C) approve the hiring of one Assistant District Attorney, at \$8,973 per month (includes 10% license premium pay) 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.
Probation/Group Counselor Position	Mr. Jeff Thomson, Chief Probation Officer, provided additional information and further justification for the request to fill a vacant Supervising Group Counselor position, which became vacant as a result of a retirement. He explained that he hopes to fill the position through an internal recruitment and because of the recent reorganization, which resulted in savings to the County, he is requesting authority to back fill any vacancy that may result from the internal recruitment. The Board and staff discussed the request to backfill for a vacancy that results from the internal recruitment. The County Administrator explained that a process has been put in place in Personnel to have employees sign verification that they are informed of the impacts of the County's layoff procedures on changes in position. Moved by Supervisor Arcularius and seconded by Supervisor Brown 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 Chief Probation Officer 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; C) approve the hiring of one Supervising Group Counselor at Range 70 (\$4,138 – \$5,032); and D) authorize Probation to recruit for and hire into any vacancy that may result from filling the Supervising Group Counselor position with a qualified internal candidate 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.

Probation/Admin. Legal Secretary Position	<p>Mr. Jeff Thomson, Chief Probation Officer, provided additional information and further justification for the request to fill the Administrative Legal Secretary position that is vacant as a result of a retirement. 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 Chief Probation Officer 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) approve the hiring of one Administrative Legal Secretary at Range 70 (\$4,138 - \$5,032). Motion carried unanimously.</p>
Water Dept./IRWMP Org. and Governance MOU	<p>Dr. Bob Harrington, Water Director, reviewed the revised MOU regarding the organization and governance of the Inyo-Mono Integrated Regional Water Management Plan. Dr. Harrington explained the revisions to the governance portion of the MOU. In response to a question from the Board, Dr. Harrington explained the process that Mono County has requested be followed regarding the revised process. The Board and Staff discussed the proposed revisions in detail and at length. The Board and Dr. Harrington discussed how Mono County Board of Supervisors was providing its input into specific items. The Board noted that there are several other significant items, like designation of a fiscal agent, that have to be decided with regard to the IRWMP process. Moved by Supervisor Cash and seconded by Supervisor Arcularius to approve the revised Memorandum of Understanding (MOU) for organization and governance of the Inyo-Mono Integrated Regional Water Management Plan, with direction that staff come back with a discussion on what would make staff the most comfortable in upcoming processes.</p>
Recess/ Reconvene	<p>The Chairperson recessed the regular meeting at 10:00 a.m., to reconvene in open session at 10:15 a.m., with all Board Members present.</p>
Library/Library Specialist Position	<p>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 Library Director and concurred with by the County Administrator and Auditor-Controller; and B) authorize the hiring of a temporary employee, Library Specialist I, at Range PT46 (\$12.64 – \$15.41 per hour). Motion carried unanimously.</p>
Library/Lone Pine Library Furniture and Fixtures P.O.	<p>Moved by Supervisor Fortney and seconded by Supervisor Arcularius to declare Yamada Enterprises a sole source provider of custom designed library furniture and fixtures including a circulation desk, public catalog station, wood end panels for steel shelving, canopy tops for children's shelving, and public internet work stations for the Lone Pine Library and authorize the purchase of library furniture and fixtures from Yamada Enterprises in an amount not to exceed the balance in the trust which is approximately \$32,500, designated for this project. Motion carried unanimously.</p>
CAO-Info Serv.- Water/GIS & Assoc. Scientist Positions	<p>The County Administrator provided additional information and further justification for the changes in the job description for the GIS Technician, the creation of an Associate Scientist position and authorization to fill the position. Moved by Supervisor Fortney and seconded by Supervisor Brown to A) Amend the job description for the GIS Technician I-V, Range 65, 69, 72, 76 (\$3,671 - \$5,796); B) Create the position of Associate Scientist, Range 76 (\$4,768 - \$5,796) and approve the job description; C) Change the authorized strength in the Water department by deleting a 0.6 FTE GIS Technician, Range 65, 69, 72, 76 (\$3,671 - \$5,796), adding a 1.0 FTE Associate Scientist, Range 76 (\$4,768 - \$5,796), and deleting a Research Assistant, Range 60 (\$3,271 - \$3,973); D) Change the authorized strength in the Information Services division by changing a 0.5 FTE GIS Technician, Range 65, 69, 72, 76 (\$3,671 - \$5,796) to a 1.0 FTE GIS Technician, Range 65, 69, 72, 76 (\$3,671 - \$5,796); and, restoring a currently vacant Network Operations Analyst I-V, Range 65-76 (\$3,671 - \$5,796) to 1.0 FTE from the current 0.5 FTE; and E) Find, consistent with the Authorized Position Review Policy: a) funding for the Associate Scientist and GIS Technician positions comes from the General Fund and Water Fund, respectively, and exists as certified by the Water Director and Information Services Director, respectively, and concurred with by the County Administrator and the Auditor-Controller; b) where internal candidates may meet the qualifications for one or both of the positions and the positions could possibly be filled by an internal recruitment, however an open recruitment is more appropriate to ensure the positions are filled with the most qualified applicants; and, c) approve the hiring of an Associate Scientist, at Range 76 (\$4,768 - \$5,796) and a GIS Technician GIS Technician, at Range 65, 69, 72, 76 (\$3,671 - \$5,796) 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.</p>

Planning/Quadstate Local Gov. Authority The Board received a presentation from Gerald Hillier regarding the Quadstate Local Government Authority. Mr. Hillier identified the counties that currently belong to the Authority. He clarified that the County of Inyo's annual assessment for this Fiscal Year would be \$1,380 for the year not per month as was reported in the local newspaper. He talked about mutual issues, like PILT funding. Mr. Hillier provided the Board with a history of the County's Payment in Lieu of Taxes (PILT) for the past 10 years compared to what other Quadstate Members received. He went on to explain how Inyo County could join the Authority. The Board thanked Mr. Hillier for his presentation and directed Staff to have County Counsel review the MOU and once approved bring it back for the Board's consideration.

Recess/Reconvene The Chairperson recessed the regular meeting at 10:55 a.m., to reconvene in open session at 11:00 a.m., with all Board Members present.

Planning/Continued Public Hearing on Renewable Energy Development Agreement The Chairperson continued the public hearing at 11:00 a.m., on an ordinance that adds Title 21 "Renewable Energy Development" to the Inyo County Code, amends Title 2, Section 2.40.070 of the County Code and adds Section 20.08.120 to Title 20 of the County Code. Staff entered the following written correspondence into the record and the Board took several minutes to review the exhibits: Exhibit A, a letter from the Big Pine Paiute Tribe; Exhibit B, a letter from Steven McLaughlin and Janice Bowers of Big Pine; Exhibit C, a Draft Schedule – Renewable Energy General Plan Amendment, prepared by the Planning Department; Exhibit D, Summary of outreach and Development of the Proposed Renewable Energy General Plan Overlay Designation, prepared by the Planning Department; Exhibit E, a letter from the Defenders of Wildlife; Exhibit F, a letter from Mark Bagley representing the Sierra Club; Exhibit G, a letter from Mt. Whitney-Aurora Gold Exploration Company; Exhibit H, an email from Wano Urbonas representing the Friends of the Inyo. The Planning Director reviewed the Staff Report and recommendations and at the conclusion of his remarks the Staff Report and all attachments was marked Exhibit I. The Board and staff discussed the proposed ordinance with the Board noting that a) currently the County is simply a commenter on projects; b) that the ordinance will provide a County process for renewable energy projects in the County which provides a process for local input; c) that the CEQA action being recommended only pertains to the Board's adoption of the ordinance, it does not apply to development projects that may be permitted under this process; d) that the Board of Supervisors has been actively pursuing County involvement in renewable energy development for more than a year; and e) that by establishing this process the County of Inyo and the Board of Supervisors will have a means in which to control its vested authority in local projects. The Board discussed the Planning Commissions role as identified in the ordinance, noting that any Planning Commission decision is appealable to the Board of Supervisors, through a "de novo" hearing processing. County Counsel noted a minor clerical correction under Section 21.24.080 the violation section should be 21.24.010. Mr. Goodfellow, owner of Pine Creek Mine addressed the Board to support the ordinance. There being no one else wishing to address this issue, the Chairperson closed the public hearing at 12:02 p.m.

Moved by Supervisor Arcularius and seconded by Supervisor Fortney to waive the first reading of the ordinance titled "An Ordinance of the Inyo County Board of Supervisors to Add Title 21 of the Inyo County Code to Encourage and Regulate the Development of Renewable Energy Resources within Inyo County to Amend Title 2, Section 2.40.070 of the Inyo County Code and to Add Section 20.08.120 to Title 20 of the Inyo County Code" and schedule the enactment of the ordinance for 11:00 a.m., Tuesday, August 17, 2010 in the Board of Supervisors Room, at the County Administrative Center, in Independence; and if the ordinance is adopted direct the County Planning Department to promptly file a notice of exemption with the County Clerk stating that the adoption of the ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA). Motion carried unanimously.

Recess/Reconvene The Chairperson recessed the regular meeting at 12:05 p.m., to reconvene in open session at 1:30 p.m., with all Board Members present.

CAO-Info Serv./Workshop The Chairperson recessed open session at 1:30 p.m., to convene in a workshop with all Board Members present to meet with staff from Information Services to discuss the status of Information Services and a 5-year Plan. The Chairperson recessed the workshop at 2:40 p.m., to reconvene in open session at 2:45 p.m., with all Board Members present.

- BofS/NV Assoc. of Counties The Board discussed the request from the Nevada Association of Counties (NACO) asking for Inyo County's participation in the formation of an alliance of counties that were entitled to receive geothermal revenues as authorized by the Energy Policy Act of 2005. The Board noted that the County's Legislative Platform contains statements calling for support of geothermal revenues being reinstated to counties and asked the County Administrator to send a letter to NACO indicating the counties support of its efforts with regard to geothermal revenues.
- Board Members and Staff Reports The Board Members reported on their activities during the preceding week including, the DWP meeting on solar energy projects in the County, an Owens Lake Planning Committee meeting, an RCRC legislative update, an LTC meeting, an Inyo First Five Commission meeting, a CSAC Government and Finance Committee conference call, a Bishop City Council meeting, an ESTA meeting, and the County Budget workshop.
- Public Comment The Chairperson announced the second public comment period and there was no one wishing to address the Board.
- Closed Session The Chairperson recessed open session at 3:30 p.m., to convene in closed session to discuss and take action as appropriate on Agenda Items No. 22. **CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION (Pursuant to Government Code §54956.9(a) – Judy Starr McCormick v. Inyo County and Director of Health and Human Services, Inyo County Superior Court Case No. SICVPT 10-50203; No. 23. 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. 24. **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: Chief Probation Officer Jeff Thomson and Labor Relations Administrator Sue Dishion; and No. 25. **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. Supervisor Fortney declared a conflict and left the meeting at 4:50 p.m.
- Report on Closed Session The Chairperson recessed closed session at 4:56 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 meeting at 4:56 p.m., to 9:00 a.m., Tuesday, August 17, 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*