

# MINUTES

# County of Inyo Board of Supervisors

## August 17, 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 17, 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    The Chairperson announced the County Department report period. Ms. Jean Turner, Director of  
Reports                    Health and Human Services, reported on a recent meeting she had attended in Sacramento and provided a State Budget impact report for her various programs in the HHS Department. Mr. Paul Hancock, Engineering Assistant in the Public Works Department, reported on the NOAA Weather Radio at the (ESRA) Bishop Airport. Chief Probation Officer Jeff Thomson, reported that Inyo County was one of 17 counties applying for a State Grant to provide technical and training assistance for the Probation Department and that the County's interview team had traveled to Sacramento last week for the interviews. Ms. Lynn Flannigan, Engineer in the Public Works Department, updated the Board on the Tecopa Lagoon Repair Project.
- Emerg. Serv./Oak        Moved by Supervisor Cash and seconded by Supervisor Arcularius to continue the local  
Creek Mud Flow        emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.
- Motor Pool/Vehicle     Moved by Supervisor Cash and seconded by Supervisor Arcularius to award the bid to and  
Purchase                    approve the purchase from Eastern Sierra Motors of three (3) 2011 Ford Crown Victoria's in an amount not to exceed \$67,309.74, contingent upon the Board's adoption of a FY 2010-11 budget. Motion carried unanimously.
- Integ. Waste./LFG     Moved by Supervisor Cash and seconded by Supervisor Arcularius to award the bid to and  
Probe Installation     approve the Contract with Precision Drilling for the installation of Landfill Gas Monitoring (LFG)  
Contract                    probes at the Independence and Tecopa landfills, in an amount not to exceed \$18,410, 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.
- Clerk/Ballot Printing   Moved by Supervisor Cash and seconded by Supervisor Arcularius to approve the printings costs  
Prepayment                of the Official Ballots and Sample Ballot Booklets by ProDocument Solutions, Inc., in an amount not  
Authorization             to exceed \$26,000 and authorize the prepayment of \$12,750 (estimated 1/2 of the total printing costs) to ProDocument Solutions, Inc., in order to obtain a 3% discount. Motion carried unanimously.
- HHS-EMS/EMS         Moved by Supervisor Cash and seconded by Supervisor Arcularius to approve letters to the  
Certification                California Department of Motor Vehicles requesting a training exemption for individuals referred by  
Training Exemption     the respective Chief of an Inyo County volunteer ambulance provider and the Inyo County  
Support Letters            Emergency Medical Care Committee for the individuals to become certified/licensed as volunteer ambulance drivers; and authorize the Chairperson to sign the letters as needed. Motion carried unanimously.
- Planning/LAFCO         Moved by Supervisor Cash and seconded by Supervisor Arcularius to ratify and approve the  
Services Contract        Contract between the County of Inyo and Inyo LAFCO for Planning Department Staff to provide services as outlined in the Contract, for the period of July 1, 2010 through June 30, 2011, in the amount of \$21,500; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.

P.W./ NOAA Contract for Weather Radio	County Counsel, Mr. Randy Keller, informed the Board that both he and the Risk Manager had signed the Agreement with NOAA for the new Weather Radio. Moved by Supervisor Cash and seconded by Supervisor Arcularius to authorize the County Administrator to sign the Memorandum of Agreement with the National Oceanic and Atmospheric Administration (NOAA) for support of a proposed Weather Radio. Motion carried unanimously.
P.W./DBE Annual Submittal Form	Moved by Supervisor Cash and seconded by Supervisor Arcularius to approve the Interim Exhibit 9-B Local Agency DBE Annual Submittal Form for the 2010-11 Federal Fiscal Year; and authorize the Chairperson to sign. Motion carried unanimously.
P.W./L.P. Library & Substation Roofing Project Retention Payment	Moved by Supervisor Cash and seconded by Supervisor Arcularius to approve the payment of \$3,087.30 to Davis Moreno Roofing for the retention on the Lone Pine Sheriff's Substation and Library building roofing project, contingent upon the Board's adoption of a FY 2010-11 budget. Motion carried unanimously.
Road Dept./Granite Construction Materials Purchase	Moved by Supervisor Cash and seconded by Supervisor Arcularius to ratify the payment of 5 invoices totaling \$24,667,89 to Granite Construction for the purchase of materials in June 2010. Motion carried unanimously.
Probation/Position Request	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 Chief Probation Officer and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates may meet the qualifications for the position, the position could possibly be filled by an internal recruitment, but an open recruitment is more appropriate to ensure the position is filled with the most qualified applicant; and C) approve the hiring of one Account Clerk I at Range 43 (\$2,206 – \$2,683). Motion carried unanimously.
Resol. #2010-38/ Net Acreage	Mr. Josh Hart, Planning Director, noted that the resolution presented for the Board's approval today is a follow-up to an action from last week to correct net acreage. On a motion by Supervisor Cash and a second by Supervisor Fortney Resolution 2010-38 titled "A Resolution of the Board of Supervisors of the County of Inyo, State of California, to Vacate, Set Aside and Revoke Two Resolutions, Resolution No. 2010-36 Revoking Resolution 2005-06 and Resolution No. 2005-07 Amending the Definition of "Net Acreage" in the Inyo County General Plan" was approved; motion unanimously passed and adopted.
Water/Phase 8 Owens Dry Lake Dust Control	Mr. Josh Hart, Planning Director, provided additional information and further explanation on the request to send the County's comments to DWP on the proposed Owens Dry Lake Phase 8 Dust Control Measures. Mr. Troy Patton of Olancho addressed the Board to support measures that do not use vital water resources. Supervisor Arcularius suggested several changes as follows: first sentence of the last paragraph on page one add after pressures to "divert service water and ..."; add a last sentence to the second paragraph on the second page to read "We support future consideration of additional BACM that do not utilize water"; and add to the last sentence of the first paragraph on page two "and limit surface water usage..." after groundwater pumping. Supervisor Cash suggested a change in the second sentence of the last paragraph of page one, tracking to the top of the second page to add after pumping "and surface water diversion..." The Board noted that the County is on record as supporting dust control measures on the Dry Lake, which do not require water. Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve the letter transmitting comments to the Los Angeles Department of Water and Power regarding the Mitigated Negative Declaration for the Proposed Owens Dry Lake Phase 8 Dust Control Measures Project, as amended; and authorize the Chairperson to sign. Motion carried unanimously.
VSO/Letter Supporting Operation Welcome Home	Supervisor Marty Fortney introduced the request for the Board to approve a letter supporting the California Veteran Service Offices and Operation Welcome Home. He expressed his support for the services provided to our Veterans, with the remaining Board Members echoing his sentiments. Moved by Supervisor Fortney and seconded by Supervisor Brown to approve the letter to the Governor, our State Legislators, and other California Legislators in support of Governor Schwarzenegger's proposed funding for California Veteran Service Offices (CVSO) and Operation Welcome Home to provide our returning veterans with benefits and transitional workforce training they have earned. Motion carried unanimously.

Grand Jury/ County Response to the FY 2009-10 Grand Jury Report	The Board acknowledged and thanked the Grand Jury Members for their service to the County. The Chief Probation Officer, Jeff Thomson, provided additional information and further explanation regarding a couple of the comments in the Report. Supervisor Cash asked for consistency in the response regarding the County “joining with the Grand Jury in commending”. The County Administrator suggested the report be amended as follows: Finding 11) response, a final sentence that reads “It should be noted that there is no requirement that those lockers be provided, they are provided as a courtesy”; Response to Recommendation 11) add after ...takes great pleasure in “joining with the Grand Jury in ...” and Response to Recommendation 12) add “...is pleased to join with the Grand Jury in commending...” Moved by Supervisor Cash and seconded by Supervisor Arcularius to approve the report to Judge Brian Lamb, Presiding Judge, Inyo County Superior Court, responding to the findings and recommendations in the 2009-2010 Grand Jury Final Report; and authorize the County Administrator to sign the transmittal letter. Motion carried unanimously.
BofS/Minute Approval	Moved by Supervisor Brown and seconded by Supervisor Fortney to approve the minutes of the August 3, 2010 Board of Supervisors Meeting. Motion carried unanimously.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 10:15 a.m., to reconvene in open session at 10:30 a.m., with all Board Members present.
Board Members and Staff Reports	The Board Members reported on their activities during the preceding week including, CSAC Policy Committee Meetings, the CSAC Executive Board Meeting in Long Beach, an ESTA Meeting, a Chamber of Commerce Ribbon Cutting, various constituent meetings, the LTC Meeting, a meeting with the Carson Colorado Railroad Group, and a meeting with Caltrans, notification that Inyo County has been designated as a “Frontier County,” an RCRC legislative update; an Owens Dry Lake Planning Committee Meeting, and an IMAAA Meeting.
Ordinance 1158/ Renewable Energy	On a motion by Supervisor Cash and a second by Supervisor Brown, Ordinance 1158 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,” was enacted: motion unanimously passed and adopted.
Closed Session	The Chairperson recessed open session at 11:10 a.m., to convene in closed session, with all Board Members present to discuss and take action as appropriate on Agenda Items No. 24 <b>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</b> , Inyo County Superior Court Case No. SICVPT 10-50203; No. 25. <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, Undersheriff Jim Jones, Deputy County Counsel Susanne Rizo, Chief Probation Officer Jeff Thomson; No. 26. <b>CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]</b> - 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; No. 27. <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, and Deputy County Counsel Susanne Rizo; No. 28. <b>CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]</b> - 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. 29. <b>PERSONNEL [Pursuant to Government Code §54957]</b> – Public Employee Performance Evaluation – Title Director Child Support Services. The Chairperson recessed closed session at 11:30 a.m., to reconvene in open session, with all Board Members present.
CAO-Gen/County Wildfire Protection Plan	A representative of the BLM, Ms. Debra Hein and the Mammoth Fire Department, Mr. Bob Rooks, reviewed the Inyo County Community Wildfire Protection Plan. Supervisor Fortney expressed his dissatisfaction with the way portions of the report portrayed various areas of the County. He said he felt the people who had conducted the survey had been narrow minded in their assessments of certain areas, such as Aberdeen and were not very thorough. The Board and Ms. Hein discussed the Plan in detail with several Board Members expressing concerns with some of the data contained in the Plan. Ms. Hein’s explained that once the Plan is approved, the process will begin to amend it. She confirmed that she will be the person responsible for the Plan and any amendments. In

response to a question from the County Administrator, Ms. Hein also confirmed that amendments to the Plan would need to be approved by the Board and the other signers. The Board, Ms. Hein and Mr. Rook, continued to talk about the Plan, with the Board noting that in order to proceed with amending the Plan, it first has to be approved and that while the document might not be perfect, having an approved Plan is very beneficial to the County. The Board indicated that they would look forward to amendments to the Plan in the near future. Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve the Inyo County Community Wildfire Protection Plan. Motion carried unanimously.

Recess/  
Reconvene The Chairperson recessed the regular meeting at 11:50 a.m., to reconvene in closed session at 12:30 p.m., with all Board Members present.

Closed Session The Board reconvened in closed session to discuss and take action as appropriate on the previously noted closed session items. The Chairperson recessed closed session at 1:30 p.m., to reconvene in open session, with all Board Members present.

CAO/Renewable Energy and Transmission Dev. Planning MOU The County Administrator reviewed the request for consideration of a MOU between Nye and Esmeralda counties and Inyo County for renewable energy and transmission development and planning. Mr. Brian Loffman of Nye County provided additional information regarding the MOU. Mr. Loffman informed the Board that Clarke County was not interested in participating in this effort because of concerns regarding Yucca Mountain crossover issues. Moved by Supervisor Arcularius and seconded by Supervisor Cash to authorize the Chairperson to sign the Memorandum of Understanding among Nye County, Nevada, Esmeralda County, Nevada, and Inyo County, California, for Renewable Energy and Transmission Development and Planning. Motion carried unanimously.

CAO/Utility Corridor Support Letter Mr. Brian Loffman from Nye County provided additional information regarding the request for a letter of support for a pre-planning grant regarding the development of a utility corridor from Baker, through Inyo County to Pahrump. The Board discussed how this type of development would be beneficial to the southeastern portion of the County as well as the entire County. The Board also noted that this is the type of development the County has been pursuing over the past several years through its involvement in the RETI program and with the recent enactment of the Renewable Energy Development Ordinance. The County Administrator provided the Board with a revised copy of the letter of support. Moved by Supervisor Cash and seconded by Supervisor Brown to approve the revised letter supporting an application for a pre-planning grant regarding the possible development of a utility corridor from Baker, California, through Inyo County, to Pahrump, Nevada. Motion carried unanimously.

Report on Closed Session County Counsel reported that with regard to Agenda Item No. 24 **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, the Board in a unanimous vote, with Supervisors Arcularius, Cash, Brown, Fortney and Cervantes voting yes, voted to accept a settlement offer in the case of *McCormick v. Inyo County* to modify the characterization of the report that was the subject of the law suit to inconclusive, and file the modification with the Department of Justice.

Closed Session The Chairperson recessed open session at 2:05 p.m., to reconvene in closed session, with all Board Members present, to continue discussion on previously identified closed session items.

Report on Closed Session The Chairperson recessed closed session at 5:00 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, other than the previously report on Item No. 24.

Adjournment The Chairperson adjourned the regular meeting at 5:00 p.m. to 9:00 a.m., September 7, 2010 in the Board of Supervisors Room, at the County Administrative Center, in Independence.

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

by:

*Patricia Gunsolley, Assistant*

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*Chairperson, Inyo County Board of Supervisors*