

MINUTES

County of Inyo Board of Supervisors

December 21, 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, December 21, 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 Fortney provided the Invocation, and Supervisor Cash 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.
- BofS/Broncos
Proclamation The Board Members offered their congratulations to the Bishop High School Varsity Football Team, the Broncos, on winning their CIF Division Championship. Moved by Supervisor Brown and seconded by Supervisor Cash to approve a proclamation honoring the Bishop High School Varsity Football Broncos 2010 C.I.F. Southern Section Northeastern Division Champions and present the proclamation to the Team. Motion carried unanimously. Broncos Coach Tom Egan introduced two senior members of the Bronco team to the Board. He thanked the Board Members for their comments and graciously accepted a framed copy of the Proclamation, as well as commemorative copies for each member of the team and the coaches.
- County Department
Report Period The Chairperson announced the County Department Report period. Ms. Jean Turner, Director of Health and Human Services, provided preliminary census data for the Board's review. Sheriff Lutze updated the Board on recent storm activity, including avalanche concerns in the Bishop Creek area and flooding potential in southeast county should the storm move east. Mr. Ted Pedersen, Public Works Director, updated the Board on snow removal and avalanche danger in some of the mountain communities. Mr. Josh Hart, Planning Director, reported on the Renewable Energy General Plan Amendment. The County Administrator noted the effectiveness of the Sheriff's reverse 911 system that was very effective in keeping residents notified on snow dangers and thanked the road crews that have worked tirelessly to keep roads open.
- Introduction Dr. Bob Harrington, Inyo County Water Director, introduced Ms. Sally Westmoreland, Associate Scientist in the Water Department, to the Board.
- Emerg. Serv./Oak
Creek Mud Flow Moved by Supervisor Cash and seconded by Supervisor Brown to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.
- CAO-Info Serv./
JALAN System
Upgrade Moved by Supervisor Cash and seconded by Supervisor Brown to approve the County to participate in the Inyo County Superior Court's upgrade of the presently shared JALAN Criminal Justice System by authorizing a payment in an amount not to exceed \$22,746 to the Inyo County Superior Court for the County's 40% share of the upgrade cost as agreed to based on the number of system users. Motion carried unanimously.
- County Counsel/
Conflict Codes Moved by Supervisor Cash and seconded by Supervisor Brown to receive and approve the 2010 Conflict of Interest Code Biennial reports for Local Agencies, and receive and approve the Conflict of Interest Code for Local Agencies as recommended by Staff. Motion carried unanimously.
- P.W./Trailer
Mounted Boom
P.O. Moved by Supervisor Cash and seconded by Supervisor Brown to award the bid to and approve the purchase from Ahern Rentals of a trailer mounted boom man-lift in an amount not to exceed \$22,038. Motion carried unanimously.
- P.W./Tri-State
Surveying Contract
Amendment Moved by Supervisor Cash and seconded by Supervisor Brown to approve Amendment No. 4 to the Contract between the County of Inyo and Tri-State Surveying Ltd., for the provision of County Surveyor Services, extending the term of the Contract to June 30, 2011; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.

P.W./Owenyo Services Town Water Systems Contract Amendment
 Moved by Supervisor Cash and seconded by Supervisor Brown to approve Amendment No. 3 to the Contract between the County of Inyo and Owenyo Services for the operation and maintenance of the Independence, Laws, and Lone Pine Town Water Systems, extending the term of the Contract through June 30, 2011, and increasing the Contract by \$26,985.83 per month for the additional 6 months, to an amount not to exceed \$1,295,320; and authorize the Chairperson to sign contingent upon the appropriate signatures being obtained. Motion carried unanimously.

Resol. #2010-58/
 Dump Road Easement
 On a motion by Supervisor Cash and a second by Supervisor Brown, Resolution No. 2010-58, a Resolution of Acceptance pursuant to Government Code §27281, to accept an easement over the portion of Dump Road that was obtained on behalf of the County when Caltrans four-laned U.S. 395 south of Independence, was approved; and direction was given to the Clerk of the Board to execute a Certificate of Acceptance of the deed, once a deed is executed, recorded and delivered to the County by Caltrans: motion unanimously passed and adopted.

Resol. #2010-59/
 Summary Vacation for Portion of Dump Road
 On a motion by Supervisor Cash and a second by Supervisor Brown, Resolution No. 2010-59, a Resolution of Vacation, pursuant to Streets and Highways Code Division 9, Chapter 4, Summary Vacation, for the portion of Dump Road that was obliterated and superseded when Caltrans four-laned U.S. 395 south of Independence, was approved: motion unanimously passed and adopted.

Public Defender/
 Gazipura and Johnson Contracts
 The County Administrator provided additional information and further explanation on the request to contract with Tariqu Gazipura and Mark Johnson (of Palmdale) for Public Defender services. Moved by Supervisor Brown and seconded by Supervisor Arcularius to approve A) the Agreement between the County of Inyo and Tariq O. Gazipura for the provision of professional services as a Public Defender (Misdemeanors – North County) for the period of January 1, 2011 through December 31, 2012 in an amount not to exceed \$252,500, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained; and B) the Agreement between the County of Inyo and Mark A. Johnson of Palmdale, for the provision of professional services as a Public Defender (Misdemeanors – South County), for the period of January 1, 2011 through December 31, 2013, in an amount not to exceed \$358,000, contingent upon the Board adoption of future budgets; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.

Public Defender/
 Quinn Contract
 The County Administrator explained that as a result of the attorney in one of the County's murder trials conflicting-out of the matter, there was a need to find another Public Defender for the defendant. He thanked Deputy County Counsel, Dana Crom, for her help in finding Mr. Quinn. Mr. Carunchio briefly talked about the costs for the trial. Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve the Agreement between the County of Inyo and Neil B. Quinn for the provision of professional services as a Public Defender for the period of January 1, 2011 through December 31, 2011, in an amount not to exceed \$80,000, 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.

CAO-County Counsel/Kirby Contract Amendment
 Moved by Supervisor Brown and seconded by Supervisor Fortney to approve Amendment No. 2 to the Contract between the County of Inyo and John D. Kirby for the provision of legal services to increase the amount of the Contract by \$10,000 to a total not to exceed \$220,000, for the period of July 1, 2010 through June 30, 2011; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.

HHS-Soc. Serv./
 HHS Specialist 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 an open recruitment would be more appropriate to ensure a sufficient number of qualified applicants apply for the position if the requested position cannot be filled from an existing list; and C) approve the hiring of one permanent full time HHS Specialist at Range 53 (\$2,779 to \$3,380). Motion carried unanimously.

Resol. #2010-60/
 Alquist-Priolo Act Implementation
 The Planning Director, Mr. Josh Hart, explained that the resolution would modify the County's single-family exemptions to coincide with the legislation rather than be more stringent.

On a motion by Supervisor Arcularius and a second by Supervisor Fortney, Resolution 2010-60, which rescinds Resolution 95-22 and is titled "A Resolution of the Board of Supervisors of the County of Inyo, State of California amending County Policy Implementing the State of California's Alquist-Priolo Earthquake Fault Zoning Act," was approved: motion unanimously passed and adopted.

- 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/Quadstate
Local Government
Authority
Participation The Planning Director made a presentation regarding the County's participation in Quadstate Local Government Authority activities, which were recommended by the Executive Director Mr. Hillier. Moved by Supervisor Fortney and seconded by Supervisor Cash to approve the Charter of the Desert Tortoise Oversight Group and the Memorandum of Understanding for the Desert Managers Group to participate in these groups, and authorize the Chairperson to sign; and direct Supervisor Cash and Staff to coordinate attendance at meetings of the Desert Advisory Council and participation in these groups with the Quadstate Local Government Authority. Motion carried unanimously.
- Public Comment The Chairperson announced the public comment period and there was no one from the public wishing to address the Board.
- Board Members and
Staff Reports The Board Members reported on their activities during the preceding week including an RCRC Board Meeting, a meeting with Assemblywomen Conway, Dick Noles and Randy Gillespie, a Great Basin Air Pollution Control Board Meeting, a Unified Command Meeting, an ESCOG Meeting, an ESTA Meeting, Owens Lake Master Plan Planning Committee Meeting, the Lone Pine Chamber of Commerce Christmas Party, Inyo Associates, the Bills and Huerta Retirement Party, and the LORP Recreation Use Planning Process Meeting.
- Closed Session The Chairperson recessed open session at 11:00 a.m., to convene in closed session, with all Board Members present to discuss and take action as appropriate on Agenda Items No. 20. **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. 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, and Deputy County Counsel Susanne Rizo; No. 22. **PERSONNEL (Pursuant to Government Code §54957)** - Public Employee Appointment - Title - Director of Public Works; and No. 23. **CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION (Pursuant to Government Code §54956.9(a))** - County of Inyo v. Department of the Interior, et al., United States District Court for the Eastern District case No. 1:06-cv-1502-AWI-DLB.
- Report on Closed
Session The Chairperson recessed closed session at 12:30 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 12:30 p.m. to 9:00 a.m., Tuesday, December 28, 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