

MINUTES

County of Inyo Board of Supervisors

April 5, 2011

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 5, 2011, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Susan Cash presiding, Linda Arcularius, Rick Pucci, and Marty Fortney. Supervisor Cervantes was absent and there was no invocation. Supervisor Arcularius led the Pledge of Allegiance.

- Public Comment** The Chairperson announced the public comment period. The Auditor-Controller, Ms. Leslie Chapman, introduced Ms. Maureen Barnes, a new Account Clerk in her office to the Board.
- County Department Reports** The Chairperson announced the County Department Report period. Ms. Jean Turner, Director of Health and Human Services, reported on a Digital 395 meeting she had participated in to help identify needs of the aged population in the County. She also reported on the CMSP Consortium. The Water Director, Dr. Bob Harrington, provided the Board with a copy of the Addendum to the Coso Hydrologic Mitigation Program. Ms. Susan Rizo, Director of Child Support Services, reported on Department activities.
- CAO-Budget/State Budget Update** The County Administrator reported that the Budget outlook is very bleak as a result of the passage of AB 109. He talked about some of the programs, i.e., the DA, Sheriff, Probation, that will be impacted by the legislation if it is implemented. Sheriff Bill Lutze addressed the Board to talk about some of his concerns with the legislation, including the impact of the County having to provide health care for a much larger inmate population.
- Emerg. Serv./Oak Creek Mud Flows** Moved by Supervisor Arcularius and seconded by Supervisor Fortney to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously, with Supervisor Cervantes absent.
- HHS-Behavioral Hlth. Serv./Alpine Center Contract Amendment** Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve Amendment One to the Contract between the County of Inyo and Alpine Center for Counseling & Recovery, to increase the Contract to a total amount not to exceed \$20,620 for Drug Court related services, for the period of January 1, 2011 through December 31, 2011, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Cervantes absent.
- Planning/Coso and Daniel B. Stephens & Associates Contract Amendments** Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve the following Contract Amendments contingent upon the Board's adoption of future budgets and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained: A) Amendment One to the Contract between the County of Inyo and Coso Operating Company, LLC (Coso) for the provision of environmental review and process services pursuant to Chapter 18.77 of the Inyo County Code to extend the Contract term until work on any appeals and monitoring activities has ceased, to increase the deposits/payments of County and Contractors under this agreement by \$100,000, and to add tasks to the scope of work, and B) Amendment Two to the Contract between the County of Inyo and Daniel B. Stephens & Associates, Inc., (DBSA) for the provision of hydrologic analysis services to extend the Contract term to April 15, 2012, to increase the amount payable under the agreement to \$165,129.64, and to add tasks to the scope of work. Motion carried unanimously, with Supervisor Cervantes absent.
- Rd. Dept./Quitclaim Portion Crocker to Indy Cemetery District** Moved by Supervisor Arcularius and seconded by Supervisor Fortney to accept the Quitclaim Deed for a portion of Crockett Street from the Independence Cemetery District for the westerly 40-ft of Crockett Street, adjacent to the Independence Cemetery property line, and authorize the Chairperson to sign the Certificate of Acceptance. Motion carried unanimously, with Supervisor Cervantes absent.

Sheriff/Mountain Investments Lease	Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve the Lease Agreement between the County of Inyo and Western Summit Enterprises, Inc., (dba Mountain Investments) for the provision of repeater site space at Ibex Pass at the monthly rate of \$497.20 from the start date of the agreement for a five-year period ending July 31, 2016, with 4% yearly increases; and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Cervantes absent.
Sheriff/USFS Controlled Substance Plan	Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve the application for the 2011 Financial & Operation Plan for Controlled Substance Operations between the Inyo County Sheriff's Department and the U.S. Forest Service for reimbursements in the amount of \$10,000; and authorize the Sheriff and the Chairperson to sign the Agreement and all necessary documents. Motion carried unanimously, with Supervisor Cervantes absent.
CAO-Info Serv./ Microsoft Soft Licenses	Mr. Brandon Shults, Director of Information Services, explained that the move to 2010 Microsoft Office software is needed because support for the lower versions is going away and other agencies with which the county interacts, are using the 2010 version which is not compatible with the lower versions. He said that there is a difference in the look and feel of the 2010 version, which will require training, and he expects that there will be people who will complain about the change, but it is needed. Moved by Supervisor Fortney and seconded by Supervisor Arcularius to authorize the purchase of 325 Microsoft Office 2010 Standard and 50 Microsoft Office 2010 Professional software licenses from CDW-G under the Microsoft Select License for Government #9095748 in an amount not to exceed \$101,340. Motion carried unanimously, with Supervisor Cervantes absent.
Emerg. Serv./ Center Fire	The County Administrator explained that the County is still awaiting a determination by the State regarding a Governor's declaration of an emergency and asked that the emergency be continued. The Board and the County Administrator discussed the changing climate at CalEMA. Battalion Chief Paul Melendrez of the Owens Valley Camp, addressed the Board to clarify that an FMAG for the incident had been requested immediately, but because the dollar amount was not high enough to meet the threshold the FMAG had not been issued. Moved by Supervisor Fortney and seconded by Supervisor Pucci to continue the local emergency as a result of the March 18, 2011, Center Fire disaster. Motion carried unanimously, with Supervisor Cervantes absent.
Rd. Dept./Prop 1B 2007/08 and 2008 Project List Changes	The Interim Public Works Director, discussed the proposed changes to the 2007/08 and 2008 Prop 1B Project Lists. He explained that the changes are being recommended because the overlay proposed for Pa Me Lane in Bishop is not appropriate because the road needs to be reconstructed. He also discussed the change on the Independence road, explaining that both projects will be re-programmed in a future year. He also reported that the Riverside Bridge Project is nearing completion with a change from asphalt approaches to concrete approaches because of a delay in the availability of asphalt from Batch plants that are not operational until after the end of April. Mr. Wilson said that he believes with the changes the County will be able to complete the projects by the required deadline. Moved by Supervisor Fortney and seconded by Supervisor Arcularius to approve the recommended changes to the 2007/2008 and the 2008 Supplemental Prop 1B Project Lists and authorize the Public Works Department to submit the amended Project Lists to the State of California Department of Finance. Motion carried unanimously, with Supervisor Cervantes absent.
BofS/Minute Approval	Moved by Supervisor Fortney and seconded by Supervisor Pucci to approve the minutes of the Board of Supervisors Special Meeting of March 22, 2011. Motion carried unanimously, with Supervisor Cervantes absent, and with Supervisor Arcularius abstaining.
Fish and Game/ Eastern Sierra Wildlife Care	Moved by Supervisor Fortney and seconded by Supervisor Pucci to approve a \$3,000 expenditure from the Fine Fund to the Eastern Sierra Wildlife Care for the temporary emergency treatment and care of injured or orphaned wildlife for FY 2010-11. Motion carried unanimously, with Supervisor Cervantes absent.
BofS/AB628 Letter to Assembly Transportation Commission.	The Chairperson explained that the County became aware of a letter from a group of environmental organizations to the Assembly Transportation Commission opposing AB 628, which had resulted in the bill being taken off of the Committee's consent agenda and set for hearing in May. Supervisor Cash said that she and Supervisor Arcularius thought it was imperative that the County correct and clarify the misconceptions conveyed by the environmental groups, including clarification regarding the 900 miles of new roads and the idea that local jurisdictions should not be responsible for how roads should be used in their jurisdiction.

Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve a letter to the Assembly Transportation Commission supporting AB 628, which would amend Section 38026 of the Vehicle Code, to be amended by County Counsel to include those items discussed today, and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Cervantes absent.

Recess/
Reconvene

The Chairperson recessed the regular meeting at 10:20 a.m., to reconvene in open session at 10:30 a.m., with all Board Members present, except Supervisor Cervantes.

BofS/Fireworks
Regulations

Supervisor Fortney began the discussion regarding fireworks regulation in Inyo County. He explained that his intent in bringing this item forward was to not ban the use of fireworks but to enhance enforcement of illegal fireworks. He said that currently fines associated with illegal fireworks goes to the State and if there were a local ordinance regarding fireworks a portion of those fines would remain in the County to help the Sheriff and Fire Districts with enforcement and fire suppression. Ms. Angela Reisen, President of the Bishop Little League, addressed the Board to provide information on how important the sale of "safe and sane" fireworks is to the Bishop Little League fund raising efforts. She explained that the money was used to help provide equipment for the League. Chief Ray Seguire of the Bishop Volunteer Fire Department addressed the Board to support a total ban on the sale of fireworks in Inyo County. Chief Seguire talked about the dangers fireworks pose to the communities, and confirmed that he does work with the firework vendors to help ensure that their booths' merchandise are properly packaged and stored. Mr. Donald Kunze of Bishop addressed the Board to review his letter to the Board regarding the difference between "safe and sane" and "illegal" fireworks and supported the continued sale of safe and sane fireworks in the County. Mr. Louis Linney of T&T Fireworks, representing the company he said that provides about 90% of the fireworks sold in Inyo County, addressed the Board to provide information regarding how other jurisdictions handle the sale of legal fireworks; talked about SB 839 which he helped draft that addresses illegal fireworks and the disposal of confiscated products; and offered to help the County draft an ordinance that would provide that the fines from illegal and confiscated fireworks remain in County. Mr. Robert Mannatt of Independence addressed the Board to talk about the local fundraising aspect of the sale of fireworks, explaining that it takes a great deal of time to organize the sale efforts and expressed his concern with banning the sale this close to the actual 4th of July holiday. The Board continued to discuss the possibility of further regulations for the use of fireworks, with Supervisor Cash explaining that she was in favor of strengthening the local statutes regarding illegal fireworks but did not support any type of ban or further control on the legal use of safe and sane fireworks. She also indicated that she was not in favor of the County giving the right to regulate the use of legal fireworks to the Fire Chiefs. Supervisor Arcularius echoed Supervisor Cash's sentiments explaining that she believes those who break the law by buying and using illegal fireworks will continue to be irresponsible no matter what controls the County establishes. The Board thanked Mr. Fortney for bringing this item before the Board for discussion and looked forward to further discussions should he decide to bring something back in the future.

Ordinance 1161
State Franchised
Video-Cable

On a motion by Supervisor Arcularius and a second by Supervisor Fortney, Ordinance 1161 titled "An Ordinance of the Board Of Supervisors of the County of Inyo, State of California, Repealing Inyo County Ordinance 390, Repealing Chapter 5.20 of the Inyo County Code, and Establishing Fees for State-Franchised Video-Cable Service Providers," was enacted: motion unanimously passed and adopted with Supervisor Cervantes absent.

Ordinance 1162
General Relief
Standards &
Regulations

Ms. Jean Turner, Director of Health and Human Services advised the Board that the ordinance regarding general relief will not only regulate temporary and seasonal visitors access to general relief, it will also put a 9 month lifetime cap on using general relief. On a motion by Supervisor Fortney and a second by Supervisor Arcularius Ordinance 1161 titled "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Repealing and Adopting Standards and Regulations for General and Emergency Assistance, Repealing Inyo County Ordinance Number 1120, Repealing Section 7.64.010 of the Inyo County Code and Enacting a New Section 7.64.010 of that Code Relating to the General and Emergency Assistance Program," was enacted: motion unanimously passed and adopted, with Supervisor Cervantes absent.

Board Members and
Staff Reports

The Board Members reported on their activities during the preceding week, including an Indian Gaming Meeting, the USDA Rural Development Meeting, and an update on the Center Fire by the CAO.

Public Comment The Chairperson announced the second public comment period and there was no one from the public wishing to address the Board.

Recess/
Reconvene The Chairperson recessed the regular meeting at 11:50 a.m., to reconvene in closed session at 12:45 p.m., with all Board Members present, except Supervisor Cervantes.

Closed Session The Board convened in closed session to discuss and take action as appropriate on Agenda Items No. 19. **PERSONNEL [PURSUANT TO GOVERNMENT CODE §54957]** - Public Employee Appointment - Title: Director Public Works; No. 20. **PERSONNEL [PURSUANT TO GOVERNMENT CODE §54957]** - Public Employee Performance Evaluation - Title: Director Public Works; 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: CAO Kevin Carunchio and Labor Relations Administrator Sue Dishion; No. 22. **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, Director Child Support Services Susanne Rizo, and Chief Probation Officer Jeff Thomson; No. 23. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Inyo County Correctional Officers Association (ICCOA) - Negotiators: Labor Relations Administrator Sue Dishion; and No. 24. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Inyo County Probation Peace Officers Association (ICPPOA) - Negotiators: Labor Relations Administrator Sue Dishion.

Report on Closed Session The Chairperson recessed closed session at 2:05 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 2:05 p.m., to 9:00 a.m., Tuesday, April 12, 2011, 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