

# MINUTES

# County of Inyo Board of Supervisors

**June 7, 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, June 7, 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 Richard Cervantes was absent. There was no Invocation, and the County Administrator, Mr. Kevin Carunchio, 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 Report Period      The Chairperson announced the County Department Report period. Mr. Jon Klusmire, Museum Services Manager, provided a Museum update.
- CAO-Budget/Update      The County Administrator, Mr. Kevin Carunchio, reported on the CSAC Legislative Conference, explaining that the State Budget was the main topic of discussion. He provided information on AB109 which will transform the criminal justice system. Chief Probation Officer, Jeff Thomson, briefly talked about impacts of AB109 on the probation services. Ms. Jean Turner, Director of Health and Human Services, echoed the Chief's remarks, and talking briefly about the impact of AB109 on HHS programs.
- Emerg. Serv./Oak Creek Mud Flows      Moved by Supervisor Fortney and seconded by Supervisor Arcularius to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously, with Supervisor Cervantes absent.
- CAO-Purchasing/Surplus Auction      Moved by Supervisor Fortney and seconded by Supervisor Arcularius to A) declare certain property identified by staff as surplus; B) authorize the transfer of surplus property to other public entities and non-profit organizations; and C) approve the public auction of surplus property not claimed by those entities/organizations on June 14, 2011 at the Building and Maintenance yard located at 136 South Jackson Street, Independence. Motion carried unanimously, with Supervisor Cervantes absent.
- Ag. Comm/Advisory Board Appointment      Moved by Supervisor Fortney and seconded by Supervisor Arcularius to appoint Mr. Ronnie Yribarren to the Agricultural Resource Advisory Board, representing the position of Resource Conservation District Chair, per Resolution No. 2006-28. Motion carried unanimously, with Supervisor Cervantes absent.
- HHS-Behavioral Hlth. Serv./Villa Merced Contract      The request for approval of 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, 2011 through June 30, 2012, was pulled from consideration at the request of the Department.
- HHS-Behavioral Hlth. Serv./Villa Merced Contract Amendment      The request for approval of Amendment No. One to the Contract between the County of Inyo and Country Villa Merced Behavioral Health, for residential placement of adults in a locked facility, increasing the Contract by \$5,000 for a total amount not to exceed \$35,000, for the period of July 1, 2010 through June 30, 2011, was pulled from consideration at the request of the Department.
- HHS-Behavioral Hlth. Serv./Crestwood Health Contract      Moved by Supervisor Fortney and seconded by Supervisor Arcularius to approve the Contract between the County of Inyo and Crestwood Behavioral Health Inc., for residential placement for adults in a locked facility, in an amount not to exceed \$30,000 for the period of July 1, 2011 through June 30, 2012, contingent upon the Board's adoption of a FY 2011-12 Budget; and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Cervantes absent.

- HHS-Emeg. Serv./  
EMCC Appointment      Moved by Supervisor Fortney and seconded by Supervisor Arcularius to appoint Ms. Lisa Erwin of Northern Inyo Hospital to the Emergency Medical Care Committee (EMCC) to complete an unexpired two-year term ending December 31, 2011. Motion carried unanimously, with Supervisor Cervantes absent.
- HHS-Emeg. Serv./  
EMS Allocation  
Contracts      Moved by Supervisor Fortney and seconded by Supervisor Arcularius to approve the contracts between the County of Inyo and the following for projects to be funded from the Emergency Medical Services Trust Fund for a total amount of four contracts not to exceed \$38,417.06 for the period of May 1, 2011 through June 30, 2011; and authorize the Chairperson to sign: (a) Independence Volunteer Fire Department for the purchase of emergency response equipment in the amount of \$9,407.06; (b) Olancha Cartago Fire Department for the purchase of emergency response equipment in the amount of \$7,300; (c) Lone Pine Volunteer Fire Department for the purchase of EMS training and emergency response equipment in the amount of \$10,710; and (d) the Big Pine Volunteer Fire Department for the purchase of emergency response equipment in the amount of \$6,000. Motion carried unanimously, with Supervisor Cervantes absent.
- HHS-Hlth. Serv./  
Prior Year Payments      Moved by Supervisor Fortney and seconded by Supervisor Arcularius to approve payment to Dwayne's Friendly Pharmacy \$1,592.80 for RX #7476950 dated 02/03/09 and \$21.25 for RX #7477484 dated 02/17/09 for a total amount not to exceed \$1,614.05. Motion carried unanimously, with Supervisor Cervantes absent.
- HHS-Hlth. Serv./Dr.  
Johnson Health  
Officer Contract      Moved by Supervisor Fortney and seconded by Supervisor Arcularius to approve Amendment No. Four to the Contract between the County of Inyo and Richard Johnson, MD., for personal services as a Health Officer, increasing the Contract to an amount not to exceed \$538,271.66 for the period of November 6, 2007 through June 30, 2012, contingent upon the Board's adoption of a FY 2011-12 Budget; and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Cervantes absent.
- HHS-Mental Hlth.  
Serv./I.D.E.A.  
Consulting Contract      Moved by Supervisor Fortney and seconded by Supervisor Arcularius to declare I.D.E.A. Consulting a sole-source provider of certain mental health consultation services for FY 2011-12 and approve the Contract between the County of Inyo and I.D.E.A. Consulting for mental health consulting services in an amount not to exceed \$25,000 for the period of July 1, 2011 through June 30, 2012, contingent upon the Board's adoption of a FY 2011-12 Budget; and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Cervantes absent.
- HHS-Mental Hlth.  
Serv./Ernst Fiscal  
Consulting Contract      Moved by Supervisor Fortney and seconded by Supervisor Arcularius to declare Gary C. Ernst a sole-source provider of certain mental health fiscal consulting services for FY 2011-12, and approve the Contract and HIPAA Business Associate Agreement between the County of Inyo and Gary C. Ernst for fiscal consulting services in an amount not to exceed \$20,000 for the period of July 1, 2011 through June 30, 2012, contingent upon the Board's adoption of a FY 2011-12 Budget; and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Cervantes absent.
- HHS-Sr. Serv./  
Oliver Products P.O.      Moved by Supervisor Fortney and seconded by Supervisor Arcularius to declare Oliver Products Company a sole-source provider of food trays and coverings for FY 2011-12, and approve a blanket purchase order to Oliver Products Company for the purchase of food trays and coverings for the home delivered meals program for FY 2011-12, in an amount not to exceed \$25,000, contingent upon the Board's adoption of a FY 2011-12 Budget. Motion carried unanimously, with Supervisor Cervantes absent.
- HHS-Soc. Serv./  
U.C. Davis Training  
Contract      Moved by Supervisor Fortney and seconded by Supervisor Arcularius to approve the Contract between the County of Inyo and Regents of the University of California on behalf of its Davis Campus University Extension for training services in an amount not to exceed \$60,610 for the period of July 1, 2011 through June 30, 2012, contingent upon the Board's adoption of a FY 2011-12 Budget; and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Cervantes absent.

P.W./Quincy Engineering Contract Amendment Moved by Supervisor Fortney and seconded by Supervisor Arcularius to ratify and approve Amendment No. Two to the Contract between the County of Inyo and Quincy Engineering, Inc., for additional construction support services for the Riverside Bridge Replacement Project, increasing the amount of the Contract by \$27,280, to a total amount of \$234,280, and extending the term of the Contract from an ending date of June 30, 2011 to December 30, 2011, contingent upon the Board's adoption of a FY 2011-2012 Budget; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously, with Supervisor Cervantes absent.

P.W./Nichols Engineers Contract Amendment Moved by Supervisor Fortney and seconded by Supervisor Arcularius to approve Amendment No. Three to the Contract between the County of Inyo and Nichols Consulting Engineers, Chtd. (NCE) for the continued implementation of the Pavement Management Project, extending the term of the Contract from an ending date of June 30, 2011 to an ending date of June 30, 2012, contingent upon the Board's adoption of a FY 2011-12 Budget; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously, with Supervisor Cervantes absent.

P.W./Tri-State Surveying Contract Amendment Moved by Supervisor Fortney and seconded by Supervisor Arcularius to approve Amendment No. 6 to the Contract between the County of Inyo and Tri-State Surveying Ltd., for the provision of County Surveyor services, increasing the amount of the Contract by \$5,000 for a total not to exceed \$100,000 and extending the term of the Contract from an ending date of June 30, 2011 to December 31, 2012, contingent upon the Board's adoption of a FY 2011-12 Budget; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously, with Supervisor Cervantes absent.

P.W./Owenyo Services Contract Amendment Moved by Supervisor Fortney and seconded by Supervisor Arcularius to approve Amendment No. Three 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, increasing the Contract to a total amount not to exceed \$1,457,236 and extending the term of the Contract from ending date of June 30, 2011 to December 31, 2011, contingent upon the Board's adoption of a FY 2011-12 Budget; and authorize the Chairperson to sign contingent upon the appropriate signatures being obtained. Motion carried unanimously, with Supervisor Cervantes absent.

Sheriff/Toy Hauler P. O. Moved by Supervisor Fortney and seconded by Supervisor Arcularius to approve the purchase of one toy-hauler (trailer/living quarters) from Carson Trailer in an amount not to exceed \$19,530. Motion carried unanimously, with Supervisor Cervantes absent.

Sheriff/Cannabis Eradication Program Agreement Moved by Supervisor Fortney and seconded by Supervisor Arcularius to approve the 2011 Domestic Cannabis Eradication/Suppression Program Letter of Agreement in the amount of \$10,000; and authorize the Sheriff to sign the agreement and all other necessary documents. Motion carried unanimously, with Supervisor Cervantes absent.

Sheriff/Computer and Accessories P.O. Moved by Supervisor Fortney and seconded by Supervisor Arcularius to approve the A) purchase, from Dell Corporation, of eight ruggedized laptop computers and accessories for a total not to exceed \$38,755.29; and B) purchase, from TechDepot, of eight keyboard/mouse combinations and eight UPS surge protectors in an amount not to exceed \$1,244.71. Motion carried unanimously, with Supervisor Cervantes absent.

Planning/Gruen Gruen + Assoc. Contract Amendment In response to a question from the Board, Mr. Josh Hart, Planning Director, explained that at the suggestion of County Counsel, Task 1, which has been completed, is being removed from the Scope of Work. Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve Amendment No. Three to the Contract between the County of Inyo and Gruen Gruen + Associates for Yucca Mountain Oversight services, changing the term of the Contract from an expiration date of June 30, 2011 to June 30, 2012, and subtracting Task 1 from the Scope of Work, contingent upon the Board's adoption of a FY 2011-12 Budget; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously, with Supervisor Cervantes absent.

Agricultural Comm./2010 Crop & Livestock Report The Agricultural Commissioner, Mr. George Milovich, presented copies of the 2010 Annual Crop and Livestock Report to the Board and reviewed the information contained in the report. He and the Board discussed some of the items highlighted in the report, i.e., alfalfa production and how the export market is benefitting local ranching activities.

Child Support Serv./ E Step and Change in Job Descriptions	Moved by Supervisor Arcularius and seconded by Supervisor Pucci to approve the E step for a Child Support Officer III recently reinstated and request the Board amend all job descriptions of the Child Support Department such that all future hires are required to report to both locations: Bishop and Mammoth Lakes, California. Motion carried unanimously, with Supervisor Cervantes absent.
Public Comment	At the request of a member of the audience the Chairperson reopened public comment. Mr. Justin Barton addressed the Contract Amendment for the Owenyo Services Contract. Mr. Barton expressed his displeasure in the Contract continuing to be amended instead of an RFP being issued for the services. Mr. Barton told the Board that the County was paying too much for the services which are being provided under the Contract.
P.W./2009-10 Prop 1B Project List	The Interim Public Works Director, Mr. Doug Wilson, reviewed the project list for the 2009-10 Proposition 1B funding. Moved by Supervisor Arcularius and seconded by Supervisor Pucci to approve the recommended 2009/2010 Proposition 1B Project List and authorize the Public Works Department to submit the project list and required information to the State of California Department of Finance. Motion carried unanimously, with Supervisor Cervantes absent.
P.W./Eastern Sierra Engineering Contract Amendment	The Interim Public Works Director, Mr. Doug Wilson, explained that as a result of the rain event disaster in December the scope of work for the Tecopa Hot Springs Park Sewage Lagoon Repair Project had been rewritten, which required more compaction testing by the Engineering Company. Moved by Supervisor Arcularius and seconded by Supervisor Fortney to ratify and approve Amendment No. 14 to the Contract between the County of Inyo and Eastern Sierra Engineering for engineering services for the Tecopa Hot Springs Park Sewage Lagoon Repair Project, increasing the total amount of the Contract by \$38,505 to a total amount not to exceed \$547,505, contingent upon the Board's adoption of a FY 2011-2012 budget and authorize the chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously, with Supervisor Cervantes absent.
GAO-Adv. Co. Resources/Comm. Prjct. Grants	Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve the payment to the Lone Pine Chamber of Commerce for the successful completion of the following Community Project Sponsorship Grant Projects: \$3,600 for the Early Opener Trout Derby and \$2,750 for the Wild Wild West Marathon. Motion carried unanimously, with Supervisor Cervantes absent.
Water Dept./Water Commission Recommendation	The Water Director, Dr. Bob Harrington, presented and reviewed the Water Commission's recommendation concerning Type E vegetation. Dr. Harrington explained that the recommendation involved the relationship between the Department of Water and Power and a lease holder and how the Long Term Water Agreement may control the leases. County Counsel, Mr. Randi Keller, explained that there are separate agreements between the lease holders and DWP and the County of Inyo and the Department of Water and Power through the Long Term Water Agreement and both types of agreements may be binding. He explained that the County is not privy to or responsible for the lease holder agreements therefore the County's involvement may not be appropriate. The Board noted that County Counsel provides counsel to the Board of Supervisors through a process which involves closed session. Dr. Harrington said that he would relay the Boards discussion to the Water Commission.
BofS/Minute Approval	Moved by Supervisor Fortney and seconded by Supervisor Arcularius to approve the minutes of the Board of Supervisors Meetings of the April 26, 2011 Regular Meeting; April 27, 2011 Special Meeting; May 3, 2011 Regular Meeting, as amended to insert Sustainable Forest Action Coalition on page three, paragraph three, third line and ; D) May 10, 2011 Regular Meeting; and E) May 17, 2011 Regular Meeting as amended to change page two, paragraph 4, line four to read Tri-County Fairgrounds. Motion carried unanimously, with Supervisor Cervantes absent.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 10:05 a.m., to reconvene in a workshop at 10:15 a.m., with all Board Members present, except Supervisor Cervantes.
Workshop/ESRA Fees	The Board conducted a workshop to receive input from the Public Works Department and the public regarding the fees charged at the Eastern Sierra Regional Airport. The Chairperson recessed the workshop at 11:12 a.m., and reconvened in open session at 11:17 a.m., with all Board Members present, except Supervisor Cervantes.

Planning/Z.R. #2011-01/Priest Public Hearing	The Chairperson opened the public hearing at 11:17 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 #2011-01/Priest and Amending the Zoning Map of the County of Inyo by Rezoning an 8.83-acre Parcel at 924 Pearson Road (APN 037-240-13) in the Community of Pearsonville from Multiple Residential (R-2)-5.0 acre-MH to Rural Residential (RR)-2.5 acre-MH.” Ms. Tanda Gretz, Senior Planner, presented the Staff Report and recommendations and at the conclusion of her remarks requested that the Staff Report and all of the attachments be entered into the record and it was Marked Exhibit A. There was no from the public wishing to speak in favor or against this project and the Chairperson closed the public hearing at 11:23 a.m.
Resol. #2011-19/ CEQA on Priest Z.R.	On a motion by Supervisor Fortney and a second by Supervisor Arcularius, Resolution No. 2011-19 was approved certifying that Zone Reclassification #2011-01/Priest is exempt from environmental review under CEQA Guidelines Section 15061.b.3: motion unanimously passed and adopted, with Supervisor Cervantes absent.
Planning/Priest Z.R. First Reading	Moved by Supervisor Fortney and seconded by Supervisor Arcularius to waive the first reading of the ordinance approving Zone Reclassification #0211-01/Priest and scheduled the enactment for 11:00 a.m., Tuesday, June 14, 2011 in the Board of Supervisors Room, at the County Administrative Center, in Independence. Motion carried unanimously, with Supervisor Cervantes absent.
Auditor/Financial Statements Workshop	The Chairperson recessed open session at 11:25 a.m., to convene in a workshop with the Auditor-Controller, Ms. Leslie Chapman, to learn about the countywide Financial Statements. The Chairperson recessed the workshop at 12:15 p.m.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 12:15 p.m., to reconvene at 1:15 p.m., in open session, with all Board Members present, except Supervisor Cervantes.
BofS/Solar Presentation	The Board accepted a presentation by Mr. Jim Stroh of Independence, on “Why Big Solar is So Big.”
Schools-D.V. School Dist./E. Health Fee Waiver Request	The Chairperson noted that the request by the Death Valley Unified School District for the County to waive the \$473 invoice from the Environmental Health Department for operation of a “Non Community Water System” had been pulled and would be rescheduled.
Board Members and Staff Reports	The Board Members reported on their activities during the preceding week, including Mule Days Celebration, the CSAC Legislative Conference, a Unified Command Meeting, an IMAAA Meeting, the VSO Conference held in Mammoth, and ESTA Meeting, and a legislative update. The County Administrator reported on the CSAC Conference.
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 2:40 p.m. to convene in closed session, with all Board Members present, except Supervisor Cervantes to discuss and take action as appropriate on Agenda Items No. 39. <b>CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION [Pursuant to Government Code §54956.9(c)]</b> – Decision whether to initiate litigation (two cases.); No. 40. <b>CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(a)]</b> – <i>Center for Biological Diversity, Sierra Club v Inyo County and Inyo County Board of Supervisors</i> , Inyo County Superior Court Case No. SICVPT 1152154; No. 41. <b>PERSONNEL [PURSUANT TO GOVERNMENT CODE §54957]</b> - Public Employee Performance Evaluation - Title: Director Health and Human Services; No. 42. <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, Director Child Support Services Susanne Rizo, and Chief Probation Officer Jeff Thomson; No. 43. <b>CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code § 54957.6]</b> . - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Inyo County Correctional Officers Association (ICCOA) - Negotiators: Labor Relations Administrator Sue Dishion; No. 44. <b>CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code § 54957.6]</b> . – Instructions to Negotiators re: wages, salaries and benefits – Employee Organization: Inyo County Probation Peace Officers Association (ICPPOA) – Negotiators: Director Child Support Services Susanne Rizo and Labor Relations Administrator Sue Dishion; No. 45. <b>PERSONNEL [PURSUANT TO GOVERNMENT CODE §54957]</b> - Public Employee Performance

Evaluation - Title: Director Public Works; No. 46. **PERSONNEL [PURSUANT TO GOVERNMENT CODE §54957]** - Public Employee Appointment - Title: Director Public Works; No. 47. **REAL PROPERTY NEGOTIATIONS - CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Pursuant to Government Code §54956.8)** – Property – APN008-240-01, Bishop, California – Negotiating Parties – County Administrator and Mitchell Asset Group – Negotiations – Terms and Conditions; and No. 48. **REAL PROPERTY NEGOTIATIONS - CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Pursuant to Government Code §54956.8)** – Property – APN010-490-08, Bishop, California – Negotiating Parties – County Administrator and Joseph Enterprises – Negotiations – Terms and Conditions.

Report on Closed Session

The Chairperson recessed closed session at 8:20 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 announced that today's meeting was being adjourned in memory of Mr. Jim Saylor, a long-time dedicated volunteer at the Laws Museum who worked tirelessly to restore and maintain the train stock at the museum. The Chairperson recessed the regular meeting at 8:20 p.m., to 9:00 a.m., Tuesday, June 14, 2011, in the Board of Supervisors Room, at the County Administrative Center, in Independence.

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*Chairperson, Inyo County Board of Supervisors*

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

by: \_\_\_\_\_  
*Patricia Gunsolley, Assistant*