

MINUTES

County of Inyo Board of Supervisors

June 14, 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 14, 2011, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Susan Cash presiding, Rick Pucci, Marty Fortney and Richard Cervantes. Supervisor Arcularius was absent. Supervisor Cervantes provided the Invocation, and Supervisor Cash led the Pledge of Allegiance.

- Public Comment** The Chairperson opened the public comment period and there was no one from the public wishing to address the Board. In honor of Flag Day Supervisor Cervantes read some interesting facts about the flag into the record
- County Department Reports** The Chairperson opened the County Department Report period. Mr. Josh Hart, Planning Director, informed the Board that the County did not receive the OHV grant. Mr. Brandon Shults, Information Services Director, announced that deployment of Office 2010 has begun and should be completed in the next several weeks. Mr. Doug Wilson, Interim Public Works Director, updated the Board on Prop 1B road projects. Ms. Susanne Rizo, Director of Child Support Services, reported on her Department's activities. Ms. Nancy Masters, Library Services Manager, reported on the relocation of the Death Valley Library.
- Resol. #2011-20/
Honoring Corporal
Shane Scott** On a motion by Supervisor Fortney and a second by Supervisor Cervantes, Resolution No. 2011-20, honoring Corporal Shane Scott was approved: motion unanimously passed and adopted with Supervisor Arcularius absent. At the conclusion of the motion Supervisor Fortney read the Resolution into the record and presented it to Corporal Scott. The Chairperson, Supervisor Susan Cash then presented the California Joint Assembly Resolution honoring Corporal Scott on behalf of Assemblywoman Connie Conway and Senator Jean Fuller, to Investigator Shane Scott, noting that Shane Scott had recently been promoted to Investigator.
- Introductions** The Board was introduced to the following by their respective Department Heads: A) Ms. Shannon Barlow, HHS Specialist; B) Ms. Noni Steedle, Case Manager; C) Ms. Michelle Orem, Social Worker; and D) Mr. Brandon Bardonnex, Recorder/Elections Clerk.
- CAO-Budget
Update** The County Administrator provided a brief update regarding the State Budget, noting that the Legislature has adopted a budget, and questioning whether the Governor would sign the budget because of the lack of tax extensions.
- Emerg. Serv./Oak
Creek Mud Flows** Moved by Supervisor Cervantes 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 Arcularius absent.
- Ag. Comm./Parts
Blanket P.O.** Moved by Supervisor Cervantes and seconded by Supervisor Fortney to A) declare Valley Cycle & Motorsports, Inc., a sole-source provider of parts for FY 2011-12; and B) approve two blanket purchase orders to Valley Cycle & Motorsports, Inc., one in the amount of \$6,000 for parts for Eastern Sierra Weed Management Area equipment and vehicles; and one in the amount of \$9,000 for parts for the Owens Valley Mosquito Abatement Program equipment and vehicles, contingent upon the Board's adoption of a FY 2011-12 budget. Motion carried unanimously, with Supervisor Arcularius absent.
- Ag. Comm./Mosq.
Abatement
Chemicals P.O.** Moved by Supervisor Cervantes and seconded by Supervisor Fortney to declare Wachovia (Adapco/Fennimore Chemical) a sole-source provider of mosquito abatement chemicals for FY 2011-12; and approve a blanket purchase order to Wachovia (Adapco/Fennimore Chemical) for the purchase of mosquito abatement chemicals in the amount of \$50,000, contingent upon the Board's adoption of a FY 2011-12 budget. Motion carried unanimously, with Supervisor Arcularius absent.

HHS-Behavioral Hlth./Placement Payment for Prior Year	Moved by Supervisor Cervantes and seconded by Supervisor Fortney to approve the payment to Loma Linda University Behavioral Health Medical Center an amount not to exceed \$4,784, for mental health inpatient services for an Inyo County Healthy Families beneficiary who was placed under Welfare and Institutions Code 5150 in a previous fiscal year. Motion carried unanimously, with Supervisor Arcularius absent.
HHS-Hlth. Serv./ MAA, TMC and LGA Agreement	Moved by Supervisor Cervantes and seconded by Supervisor Fortney to A) approve the Agreement between the County of Inyo and Marin County for hosting the Medi-Cal Administrative Activities (MAA) and Targeted Case Management (TCM) Local Government Agency (LGA) Consortium the period of July 1, 2011 through June 30, 2013 and authorize the Chairperson to sign; and B) approve payment to Marin County for Host Entity Fees by May 31, 2012 for FY 11/12 and by March 31, 2013 for FY 12/13, contingent upon the Board's adoption of future budgets. Motion carried unanimously, with Supervisor Arcularius absent.
HHS-Misc./ESTA Bus Passes	Moved by Supervisor Cervantes and seconded by Supervisor Fortney to approve an annual bulk purchase of ESTA bus passes for Health and Human Services Programs in an amount not to exceed \$14,924.70, contingent upon the Board's adoption of a FY 2011-12 Budget. Motion carried unanimously, with Supervisor Arcularius absent.
Planning-Yucca Mt./Hydrodynamics Contract Amendment	Moved by Supervisor Cervantes and seconded by Supervisor Fortney to approve Amendment No. Two to the Contract between the County of Inyo and Hydrodynamics Group, LLC for Yucca Mountain oversight services, extending the term of the contract from an expiration date of June 30, 2011 to June 30, 2012 and revising the scope of work, a no cost extension, 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 Arcularius absent.
Planning/Wildan Contract Amendment	Moved by Supervisor Cervantes and seconded by Supervisor Fortney to approve Amendment No. Four to the Contract between the County of Inyo and Wildan Engineering for the provision of Professional Planning services to update the Inyo County General Plan and Zoning Ordinance, extending the term of the Contract from an expiration date of June 30, 2011 to 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 Arcularius absent.
P.W./Museum Consulting Contract Amendment	Moved by Supervisor Cervantes and seconded by Supervisor Fortney to approve Amendment No. Two to the Contract between the County of Inyo and ASM Affiliates for museum consulting services to extend the term of the Contract from and expiration date of June 30, 2011 to August 31, 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 Arcularius absent.
P.W./Gatehouse Plans & Specs.	Moved by Supervisor Cervantes and seconded by Supervisor Fortney to approve the Plans and Specifications for the Bishop-Sunland Landfill Gatehouse Project; and authorize the Interim Public Works Director to advertise and bid the Project. Motion carried unanimously, with Supervisor Arcularius absent.
Rd. Dept./Federal Exchange Program	Moved by Supervisor Cervantes and seconded by Supervisor Fortney to approve the 2010/2011 Federal Apportionment Exchange Program and State Match Program Agreement with the California Department of Transportation in the amount of \$673,353 plus a State match of \$100,000 for a total not to exceed \$773,353 and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Arcularius absent.
Assessor/Kronick Contract	The Assessor, Mr. Tom Lanshaw, reported that he has reached a tentative agreement with Coso regarding the 2009 valuation. He said that the contract before the Board would provide assistance in preparing for the 2010 assessment appeal on the Coso properties. Moved by Supervisor Fortney and seconded by Supervisor Pucci to approve the Contract between the County of Inyo and Kronick, Moskovitz, Tiedemann & Girard for special counsel services in preparation of taxable valuation in the Coso assessment appeal, for the period of July 1, 2011 through June 30, 2012 in an amount not to exceed \$150,000, 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 Arcularius absent.

Ag Com./Budget Amendment	Moved by Supervisor Fortney and seconded by Supervisor Pucci to amend the FY 2010-11 Agricultural Commissioner Budget Unit 023300 as follows: A) increase estimated revenue in Unrefunded Gas Tax (<i>Revenue Code #4463</i>) by \$75,652 and increase appropriations in Operating Transfers Out (<i>Object Code #5801</i>) by \$37,826 and Other Agency Contribution (<i>Object Code #5539</i>) by \$37,826; and B) increase estimated revenue in Agricultural Commissioner Building Trust Budget Unit 503302, Operating Transfers In (<i>Revenue Code #4998</i>) by \$37,826. Motion carried unanimously, with Supervisor Arcularius absent.
HHS-Behavioral Hlth./E Step Authorization	Moved by Supervisor Cervantes and seconded by Supervisor Fortney to authorize the hiring of a Psychotherapist at Step E of the authorized Range 78 (\$4,997 - \$6,074) based on the individuals extensive relevant background and experience. Motion carried unanimously, with Supervisor Arcularius absent.
Planning/Budget Amendment	Moved by Supervisor Cervantes and seconded by Supervisor Fortney to amend the FY 2010-11 Planning Department Budget Unit 023800 by increasing estimated revenue in Services and Fees (<i>Revenue Code #4819</i>) by \$45,000 and increasing appropriations in Professional and Special Services (<i>Object Code #5265</i>) by \$45,000. Motion carried unanimously, with Supervisor Arcularius absent.
Recess/Reconvene	The Chairperson recessed the regular meeting at 9:40 a.m., to reconvene in open session at 9:45 a.m., with all Board Members present, except Supervisor Arcularius.
HHS-Behavioral Hlth./Villa Merced Contract Amendment	Moved by Supervisor Fortney and seconded by Supervisor Pucci to approve 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; and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Arcularius absent.
HHS-Behavioral Hlth./Villa Merced Contract FY 2011-12	Moved by Supervisor Fortney and seconded by Supervisor Pucci to approve 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, contingent upon the Board's adoption of a FY 2011-12 Budget; and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Arcularius absent.
Probation/Planning AB109 and SB678	The Chief Probation Officer, Mr. Jeff Thomson, presented information regarding the planning for AB109 and SB678. He explained how the legislation had formed an advisory committee, establishing statutory positions on the Committee. The Chairperson noted that many of the County's Boards, Committees and Commissions have statutory positions, yet the Board is still responsible for confirming the appointments. The County Administrator noted a recent development with the legislation which is attempting to usurp the Board's authority in a borderline unconstitutional move of attempting to require that recommendations from the Advisory Committee can only be denied by a 4/5's vote of the Board of Supervisors. The discussion included local parole and custody, parolee supervision, a parole board, the exclusion of Board and/or CAO representation on the Advisory Committee, parole revocation and adjudication, the impact of the closure of CYA facilities, current parolee numbers and statistics. The Board requested that the Chief Probation Officer bring back an Agenda Item for the Board's consideration regarding the implementation of an Advisory Committee.
Recess/Reconvene	The Chairperson recessed the regular meeting at 10:48 a.m., to reconvene in open session at 10:55 a.m., with all Board Members present, except Supervisor Arcularius.
Water/IRWMP Planning Comm. Agenda.	The Water Director, Dr. Bob Harrington, reviewed the agenda for the upcoming June 15, 2011 Regional Water Management Group meeting for the Inyo-Mono Integrated Water Management Plan. Dr. Harrington reviewed the action item to approve the Revised MOU. Moved by Supervisor Fortney and seconded by Supervisor Pucci to approve the Revised Version #1 of the MOU for the Inyo-Mono Integrated Regional Water Management Plan, and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Arcularius absent.

Ord. 1164/Z.R. 2011-01/Priest	On a motion by Supervisor Cervantes and a second by Supervisor Fortney, Ordinance 1164, 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," was enacted: motion unanimously passed and adopted, with Supervisor Arcularius absent.
Ag Com./Benefit Assessment Hearing	The Chairperson opened the public hearing at 11:05 a.m., to consider the ordering of services and levy of the assessments for FY 2011-12 for the "Owens Valley Mosquito Abatement Program Assessment" and the "Mosquito Control and Disease Prevention Assessment," in order receive public input on the proposed continuation of the assessments, the proposed assessment budget for FY 2011-12 and the services and programs, the assessments fund, and any other issues related to the assessments. The Agricultural Commissioner, Mr. George Milovich and Mr. Jerry Oser, Mosquito Control Manager spoke to the programs that are provided as a result of the benefit assessment. A representative of SCI Consulting, the firm that provided the Engineers Report on the Programs addressed the Board to support the assessments. The Chairperson closed the public hearing at 11:15 a.m.
Resol. #2011-21/ Mosquito Program Benefits Assessments	On a motion by Supervisor Pucci and a second by Supervisor Cervantes, Resolution 2011-21 titled "A Resolution of the Board of Supervisors of the County of Inyo Administering the Owens Valley Mosquito Abatement Program Approving the Engineer's Reports, Confirming the Assessment Diagram and Assessment and Ordering the Levy of Assessments for FY 2011-12 for the Owens Valley Mosquito Abatement Program Assessment (Assessment No. 1) and for the Mosquito Control and Disease Prevention Assessment (Assessment No. 2)," was approved: motion unanimously passed and adopted with Supervisor Arcularius absent.
CAO-County Counsel-Water/ James Contract	Moved by Supervisor Fortney and seconded by Supervisor Pucci to approve the Agreement between the County of Inyo and Gregory L. James, Attorney at Law, for the provision of Water/Environmental Attorney services to the Water Department and the County Administrator for the period of July 1, 2011 through June 03, 2012, at the rate of One Hundred Fifty Five Dollars (\$155) for every hour of legal services except travel time, which will be paid at Fifty Dollars (\$50) an hour, in an amount not to exceed Ninety Thousand Dollars (\$90,000), contingent upon the Board's adoption of a FY 2011-12 Budget; and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Arcularius absent.
County Counsel/ Great Basin Contract	Moved by Supervisor Cervantes and seconded by Supervisor Fortney to approve the Agreement between Great Basin Unified Air Pollution Control District and the County of Inyo for County Counsel's Office to provide certain legal services to the District during the period of July 1, 2011 through June 30, 2012 for the sum of \$12,500, contingent upon the Board's adoption of a FY 2011-12 Budget; and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Arcularius absent.
County Counsel- Planning/James Contract	Moved by Supervisor Pucci and seconded by Supervisor Fortney to approve the Agreement between the County of Inyo and Gregory L. James, Attorney at Law, for the provision legal services to the County related to the Yucca Mountain Repository Licensing Proceedings before the Nuclear Regulatory Commission, and related Court actions, for the period of July 1, 2011 through June 30, 2012, at the rate of One Hundred Eighty Five Dollars (\$185) per hour, as set further in Attachment B, with travel time paid at Fifty Dollars (\$50) an hour, in an amount not to exceed One Hundred Thousand Dollars (\$100,000), contingent upon the Board's adoption of a FY 2011-12 Budget; and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Arcularius absent.
CSS/Regional Program Agreement	Moved by Supervisor Fortney and seconded by Supervisor Cervantes to approve, and authorize the County Administrative Officer to sign the following: A) the Memorandum of Understanding between Inyo County and Mono County establishing a governance structure for the operation of the Eastern Sierra Department of Child Support Services, a Regional Child Support Agency; and B) the Agreement for the provision of Child Support Services personnel between Inyo County and Mono County; contingent on Mono County and the California Department of Child Support Services approving the Memorandum of Understanding, and Mono County approving the Personnel Services Agreement. Motion carried unanimously, with Supervisor Arcularius absent.

E.Hlth/D.V. School Waiver of Fees	Supervisor Cervantes provided additional information and further justification for waiving the Environmental Health Department fees for the Death Valley School's water spigot. He explained that this is the only potable water source in the area and it is utilized by residents, visitors, and businesses. Several Board Members expressed concern with setting a precedent in waiving fees. The Director of Environmental Health explained how he has worked with the School District to reduce the costs for this system. He mentioned that this is the only potable water source and the County may have potable water issues and this might be an area of mutual interest. The County Administrator reminded the Board that the County is not in the water business and does not have potable water issues. The Board and staff continued to discuss the request, including opportunities available to the School District and the community to raise the money needed to help the School District keep the system accessible. Supervisors Cash and Fortney explained that they would be willing to donate money to the cause personally, but were uncomfortable using taxpayers dollars for this. It was moved by Supervisor Cervantes, with no second to waive the \$473 invoice from the Environmental Health Department for operation of a "Non Community Water System" as requested by the Death Valley School District and support the request that costs for testing be borne by those who use the water faucet on school grounds as a community water source. The motion failed on a one-to-three roll call vote, with Supervisor Cervantes voting yes and with Supervisors Cash, Pucci and Fortney voting no and Supervisor Arcularius absent. At the conclusion of the action, the County Administrator told the Board that he would work with Mr. Copeland and people in the area to help find a solution to their issue.
Board Members and Staff Reports	The Board Members reported on their activities during the preceding week, including an upcoming RCRC Meeting in Napa, Big Pine Fire fund raising event, the 2011 High School Rodeo Finals, a Friends of the Mt. Whitney Fish Hatchery meeting, and a report by the CAO on the progress of a new Court MOU.
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 12:15 p.m., to reconvene in closed session at 1:15 p.m., with all Board Members present, except Supervisor Arcularius.
Closed Session	The Board met in closed session to discuss and take action as appropriate on Agenda Items No. 31. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION [Pursuant to Government Code §54956.9(c)] – Decision whether to initiate litigation (two cases); No. 32. 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. 33. 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; No. 34. 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: Director Child Support Services Susanne Rizo and Labor Relations Administrator Sue Dishion; No. 35. PERSONNEL [PURSUANT TO GOVERNMENT CODE §54957] - Public Employee Performance Evaluation - Title: Director Public Works; No. 36. PERSONNEL [PURSUANT TO GOVERNMENT CODE §54957] - Public Employee Appointment - Title: Director Public Works; No. 37. 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; No. 38. 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; and No. 39. REAL PROPERTY NEGOTIATIONS - CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Pursuant to Government Code §54956.8) – Property – APN022-070-06, Independence, California – Negotiating Parties – County Administrator and State of California – Negotiations – Terms and Conditions
Report on Closed Session	The Chairperson recessed closed session at 3:32 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 3:32 p.m., to 9:00 a.m., Tuesday, June 21, 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