

# MINUTES

# County of Inyo Board of Supervisors

**September 6, 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, September 6, 2011, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Susan Cash presiding, Linda Arcularius, Rick Pucci, Marty Fortney and Richard Cervantes. Supervisor Cervantes provided the Invocation, and Mr. Kevin Carunchio, County Administrator, 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 Reports      The Chairperson announced the County Department Report period. Ms. Jean Turner, Director of Health and Human Services, reported on the Mental Health Wellness Center, saying that because of a landlord/City of Bishop dispute regarding the property, the landlord is doubling the rent on the property. Supervisor Arcularius reported on efforts to reinstate the SRA Fees and asking that a letter be sent opposing the legislation.
- Introductions      The Director of Health and Human Services, Ms. Jean Turner, introduced Ms. Sara Grable an Office Assistant and Ms. Anna Hahaj, the Progress House Manager to the Board.
- 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.
- Resol. #2011-28/  
Homeland Security Grant Application      On a motion by Supervisor Fortney and a second by Supervisor Arcularius Resolution No. 2011-28 titled "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Authorizing the Submittal of the FY 2011 Homeland Security Grant Program Application" was approved: motion unanimously passed and adopted.
- CAO-Info Serv./  
Computer P.O.      Moved by Supervisor Fortney and seconded by Supervisor Arcularius to authorize the purchase of 15 "ruggedized" laptop computers and (peripherals) from Dell under the WSCA Contract WN99ABZ in compliance with Inyo County Purchasing Policy per Section III(B)(5), in an amount not to exceed \$66,757, furthering the implementation of emergency operation centers using COPS Technology Grant Funding awarded for the acquisition of emergency operation center technology contingent upon the Board's adoption of the FY 2011-12 Budget. Motion carried unanimously.
- CAO-Info Serv./  
Crest Software Maintenance Agreement      Moved by Supervisor Fortney and seconded by Supervisor Arcularius to approve the renewal of Software Maintenance Agreement between Crest Software Corporation and the County of Inyo for the County's enterprise Property Tax Management System for the period of July 1, 2011 through June 30, 2012, in an amount not to exceed \$27,740 contingent upon the Board's adoption of a FY 2011-12 Budget. Motion carried unanimously.
- CAO-Info Serv./  
SunGuard Software Maintenance Agreement      Moved by Supervisor Fortney and seconded by Supervisor Arcularius to approve the renewal of the Software Maintenance Agreement between SunGuard Public Sector and the County of Inyo for the County's enterprise accounting system IFAS for the period of July 1, 2011 through June 20, 2012, in an amount not to exceed \$31,281, contingent upon the Board's approval of a FY 2011-12 Budget. Motion carried unanimously.

- CAO-Info Serv./  
Pitney Bowes  
Blanket P.O. Moved by Supervisor Fortney and seconded by Supervisor Arcularius to authorize the issuance of a blanket purchase order in the total amount of \$90,000 to Pitney Bowes Purchase Power, contingent upon the Board's adoption of a FY 2011-12 Budget. Motion carried unanimously.
- CAO-Purchasing/  
FY11-12 Print Bid Moved by Supervisor Fortney and seconded by Supervisor Arcularius to award the Printing Bid for FY 2011-12, Bid No. 2011-06, to Community Printing and Publishing and authorize purchase orders to be approved for various County Departments to order printing from this bid for FY 2011-12. Motion carried unanimously.
- Assessor/Bertholf  
Contract Moved by Supervisor Fortney and seconded by Supervisor Arcularius to approve and ratify the Contract between the County of Inyo and Harold W. Bertholf, Inc., for assessment appeal assistance, for the period of August 1, 2011 through June 30, 2012, in an amount not to exceed \$25,000, 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.
- Resol. #2011-29/  
Appropriation  
Limits On a motion by Supervisor Fortney and a second by Supervisor Arcularius, Resolution No. 2011-29 was approved accepting the calculations of the appropriation limitation for the County of Inyo for FY 2011-12: motion unanimously passed and adopted.
- Resol. #2011-30/  
Tax Rates On a motion by Supervisor Fortney and a second by Supervisor Arcularius, Resolution No. 2011-30 was approved setting the property tax rates for 2011-12, per California Government Code §29100: motion unanimously passed and adopted.
- E. Health./IDEXX  
Labs P.O. Moved by Supervisor Fortney and seconded by Supervisor Arcularius to declare IDEXX Laboratories, Inc., a sole-source provider of certain water testing laboratory supplies for the period of July 1, 2011 through June 30, 2012; and approve the purchase of water testing supplies from IDEXX Laboratories, Inc., through a blanket purchase order in an amount not to exceed \$15,000 for the period of July 1, 2011 through June 30, 2012, contingent upon the Board's adoption of a FY 2011-12 Budget. Motion carried unanimously.
- P.W.-Airports/  
Indy Airport Seg.  
Circle FAA  
Agreement Moved by Supervisor Fortney and seconded by Supervisor Arcularius to approve the Grant Agreement for the Airport Improvement Program between the County of Inyo and the FAA for the design and construction of the Independence Airport Segmented Circle in the amount of \$33,250, contingent upon the Board's adoption of a FY 2011-12 Budget; and authorize the Interim Public Works Director to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
- Resol. #2011-31/  
CDA Matching  
Grant Indy Sec.  
Circle On a motion by Supervisor Fortney and a second by Supervisor Arcularius, Resolution No. 2011-31 was approved authorizing the submittal of an application for a CDA matching grant for design and construction of the Independence Airport Segmented Circle in the amount of \$831, contingent upon the Board's adoption of a FY 2011-12 Budget; and authorize the Interim Public Works Director to sign the application, contingent upon the appropriate signatures being obtained: motion unanimously passed and adopted.
- Resol. #2011-32/  
CEDA Matching  
Grant L.P.  
Runway  
Reconstruction On a motion by Supervisor Fortney and a second by Supervisor Arcularius, Resolution No. 2011-32 was approved authorizing the submittal of an application for a CEDA matching grant for final design of the Lone Pine Airport Runway 16-34 Reconstruction Project in the amount of \$969, contingent upon the Board's adoption of a FY 2011-12 Budget; and authorize the Interim Public Works Director to sign the application, contingent upon the appropriate signatures being obtained: motion unanimously passed and adopted.

- P.W.-Airports/L.P. Runway Reconstruction FAA Agreement Moved by Supervisor Fortney and seconded by Supervisor Arcularius to approve the Grant Agreement for the Airport Improvement Program between the County of Inyo and the FAA for the final design of the Lone Pine Airport Runway 16-34 Reconstruction Project in the amount of \$38,760, contingent upon the Board's adoption of a FY 2011-12 Budget; and authorize the Interim Public Works Director to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
- P.W./FAA Terms & Conditions for Improvement Grants Moved by Supervisor Fortney and seconded by Supervisor Arcularius to approve the *Terms and Conditions of Accepting Airport Improvement Program Grants Agreement* between Inyo County and the FAA for acceptance of Airport Improvement Program grants for Eastern Sierra Regional, Lone Pine and Independence Airports; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
- BofS/DFG Visioning Group Supervisor Fortney provided further information regarding the Fish and Wildlife Strategic Vision Stakeholder Advisory Group's, Strategic Vision Working Group's activities and issues. The Board discussed the information provided by Supervisor Fortney including (a) the group's concerns with how State Fish and Game Commissioners and the Director of Fish and Game are appointed, with Supervisor Fortney explaining that to change the process would require a "constitutional amendment; (b) the need to increase the number of game wardens and how this might be accomplished; and (c) the idea of combining CHP and DFG dispatch operations, with Supervisor Fortney explaining that because of the difference between the objectives of the two organizations that this concept is not being pursued. The Board thanked Supervisor Fortney for his continuing work with this group.
- Resol. #2011-33/ Mt. Whitney Cemetery Dist. Loan On a motion by Supervisor Cervantes and a second by Supervisor Fortney, Resolution No. 2011-33 was approved pursuant to the provisions of Article XVI, Section 6 of the California Constitution, thereby approving an interim loan from the County treasury to the Mt. Whitney Cemetery District in the aggregate amount of \$6,000 for the purpose of financing the District's operational costs during FY 2011-12 prior to receipt of their annual property tax apportionment: motion unanimously passed and adopted.
- Resol. #2011-34/ Olancha CSD Loan On a motion by Supervisor Cervantes and a second by Supervisor Fortney, Resolution No. 2011-34 was approved pursuant to the provisions of Article XVI, Section 6 of the California Constitution, thereby approving an interim loan from the County treasury to the Olancha Community Service District in the aggregate amount of \$20,000 for the purpose of financing the District's operational costs during FY 2011-12 prior to receipt of their annual property tax apportionment: motion unanimously passed and adopted.
- CAO-Info Serv./ E.S. Regional Broadband Consortium Moved by Supervisor Arcularius and seconded by Supervisor Fortney to A) approve a letter of support to the California Public Utilities Commission on behalf of the Eastern Sierra Connect Regional Broadband Consortium; and B) authorize the Inyo County Information Services Manager to participate as a board member of the Consortium as requested from the Consortium. Motion carried unanimously.
- Resol. #2011-35/ Get Connected On a motion by Supervisor Arcularius and a second by Supervisor Fortney, Resolution No. 2011-35 was approved supporting the California Emerging Technology Fund Get Connected! Initiative: motion unanimously passed and adopted.

Integ. Waste/Gate Attendant Position Request Moved by Supervisor Fortney 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 in the Solid Waste Budget, as certified by the Department Head, and concurred with by the County Administrator and the Auditor-Controller; B) where internal candidates meet the qualifications for the position of Gate Attendant, the vacancy can be filled from an established eligibility list; and C) authorize the hiring of one Gate Attendant at Range 43 (\$2,206 – \$2,683) from the established eligibility list, contingent upon the Board’s adoption of a FY 2011-12 Budget. Motion carried unanimously.

Integ. Waste/ Equip. Operator Position Moved by Supervisor Fortney and seconded by Supervisor Cervantes to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the requested position exists in the Solid Waste Budget, as certified by the Department Head, and concurred with by the County Administrator and the Auditor-Controller; B) where internal candidates meet the qualifications for the position of Equipment Operator, the vacancy could be filled through an internal recruitment, however it would be more appropriate to hire off an existing eligibility list; and C) authorize the hiring of one Equipment Operator I, at Range 58 (\$3,119 - \$3,795) contingent upon the Board’s adoption of a FY 2011-12 Budget. Motion carried unanimously.

Resol. #2011-36/ Revoke GPA 2010/03Inyo On a motion by Supervisor Fortney and a second by Supervisor Arcularius Resolution No. 2011-36 was approved revoking the Renewable Solar and Wind Energy General Plan Amendment (General Plan Amendment No. 2010-03/Inyo County): motion unanimously passed and adopted.

Recess/ Reconvene The Chairperson recessed the regular meeting a 9:45 a.m., to reconvene at 10:00 a.m., in open session, with all Board Members present.

CAO/Exclusive Neg. Agreement For Bishop Consolidated Office Building The County Administrator, Mr. Kevin Carunchio, reviewed the process which had resulted in the request for the Board to enter into an exclusive negotiation agreement for the construction and leasing of an Inyo County Consolidated Office Building in Bishop. He reviewed the agreement in detail and at length, noting the trigger periods for ending the negotiations. He provided information regarding the programs and services that would be provided through this building and how consolidated office space in the Bishop area would improve efficiencies of programs while securing costs for program and department space use for the next twenty years. Supervisor Cervantes said that he was opposed to the County incurring debt in these bad economic times in order to build a new building. He said that he felt the building was being proposed because of complaints that County employees have deplorable working conditions, and said that he had toured the facilities and they were adequate. He suggested that the County save its money and when it had sufficient funds explore a new building at that time. Supervisor Pucci clarified that the only people he has heard complain about the condition of the County’s facilities is the public that are served. Supervisor Pucci said that long-term planning for space lease is critical because the County can only forecast costs to the end of a lease period, and then the landlords have the ability to change the terms in a manner in which the County is negatively impacted, citing the Cottonwood Plaza as a prime example of viable businesses being forced to relocate because of lease disputes. Supervisor Fortney noted that a consolidated building would help the public from having to travel all of the Bishop area to get the services they are seeking. He also said that he felt a consolidated office space would help keep utility and maintenance costs under control. Supervisor Arcularius noted as another example of lease costs that cannot be controlled the report made earlier by the Director of Health and Human Services, regarding the Wellness Center lease in Bishop arbitrarily being doubled. Supervisor

Cash said that she believes it is better for the County to own its facilities rather than lease them. The County Administrator, in response to a remark made by Supervisor Cervantes regarding the cost of this project, reiterated the cost figures of \$15-million for this project, and clarified that the current proposal being considered is to swap County owned land near Jack in the Box for land that is owned by Joseph Enterprises at the Wye. The Board and staff also talked about suggestions regarding existing facilities in the community of Bishop which could be utilized, with the Board noting that the owners of those properties did not respond to the RFP. The Board heard from Jenifer Castaneda of Lone Pine who was opposed to the Board taking action regarding this item because she felt that proper notification for public involvement had been circumvented. Ms. Castaneda expressed concern with the economic impact to the landlords of the leased facilities should the County vacate buildings in the Bishop area. Ms. Mary Roper of Independence, addressed the Board to express her opinion that a needs assessment should be done to determine what type of facilities are required and to encourage public participation in the process. The County Administrator explained that through this Agreement the needs of the County would be assessed further and said he anticipated public meetings on this matter as a result of this Agreement. The County Administrator also suggested that the Board invite the public to join them on a tour of the current County facilities. Moved by Supervisor Arcularius and seconded by Supervisor Fortney to authorize the Chairperson to sign an Exclusive Negotiation Agreement for Construction and Leasing of Inyo County Consolidated Office Building between the County of Inyo and Joseph Enterprises, to schedule a tour of County facilities, and schedule public meetings regarding this matter. Motion carried on a four-to-one vote, with Supervisors Arcularius, Cash, Pucci and Fortney voting yes and with Supervisor Cervantes voting no.

Recess/  
Reconvene

The Chairperson recessed the regular meeting at 11:20 a.m., to reconvene in open session at 11:30 a.m., with all Board Members present.

Forest  
Serv./Update

Mr. Ed Armenta, Inyo National Forest Supervisor, updated and provided an overview on various initiatives and issues happening on the Inyo National Forest. Mr. Armenta reviewed the directives he had received from the Regional Forester, Randy Moore, which included coordination with local governments. Ms. Margaret Woods, District Ranger, updated the Board on the Oak Creek Diversion project, as well as other projects in the southern part of the Forest.

Forest Serv./W.S.  
Watershed  
Assessment  
Prgm.

The Chairperson recessed the regular meeting at 12:00 p.m. to convene in a workshop with Mr. Ted Ellsworth of the U.S. Forest Services regarding the USFS Watershed Assessment Program. The Chairperson recessed the workshop at 12:20 p.m., to reconvene in open session with all Board Members present.

Recess/  
Reconvene

The Chairperson recessed the regular meeting at 12:20 p.m., to reconvene at 1:00 p.m., as the Board of Equalization (see separate minutes). The Chairperson reconvened the regular meeting in open session at 2:35 p.m., with all Board Members present.

Treasurer/Coso  
Partial Payment of  
Property Tax

The Treasurer-Tax Collector, Ms. Alisha McMurtrie, provided additional information and further justification for her recommendation that the Board authorize her to accept a partial property tax payment from Terra Gen Power for its Coso operations. She said that the properties in question account for 85% of the County's unsecured property tax roll and there is a large impact to the schools and other special districts should the County not authorize the partial payment and the taxes are not paid. She explained that she did not normally accept partial payment because the Crest Tax System is unable to appropriately track these payments. She informed the Board that she and the Auditor will have to take special measures in order to track this partial payment. She said she hopes to be able to recommend the Board authorize the acceptance of partial payments in the future because she is in the business of collecting money, not turning it down. Ms. McMurtrie also told the Board that the Inyo County Superintendent of Schools is supporting this recommendation. Mr. Larry Todd, Superintendent of the Lone Pine

Unified School District addressed the Board to support this recommendation. Moved by Supervisor Cervantes and seconded by Supervisor Fortney to authorize the Tax Collector to accept and process a partial 2011/12 unsecured property tax payment from Terra Gen Power, LLC. Motion carried unanimously.

Water Dept./  
Standing Comm.  
Agenda

The Water Director, Dr. Bob Harrington, provided the Board with an updated Agenda for the upcoming Standing Committee Meeting. The Board and Dr. Harrington discussed the items identified on the updated Agenda in detail and at length. Mr. Gary Bacock, Tribal Administrator for the Big Pine Paiute Tribe, addressed the Board to identify the Tribe's concerns with those items listed on the Agenda, including questioning whether changes in protocols needs to be approved by a judge; the Tribes allegations of the Standing Committee violating the Brown Act; the Tribe not being allowed to make public comment during a technical group meeting; the Tribe's opposition to the Big Pine Regreening Project, whether the LTWA controls the water on the Owens Lake; and the suggestion that all Standing Committee Meetings be held in the Owens Valley. Mr. Mike Prather, Inyo County Water Commissioner, addressed the Board to talk about how the Water Commission handles public comment. The Board and staff continued to discuss the various agenda items, including a lengthy discussion regarding Item No. 4 the request for resolution of issues related to the Annual Pumping Plan. The Board agreed with staff's recommendation regarding setting the requirement for pumping at an amount to provide water to the Hatchery.

Org-Arts Council/  
Millpond Closure

Moved by Supervisor Arcularius and seconded by Supervisor Pucci to approve the closure of the Millpond Recreation Area to the public from Friday, September 16, 2011 at 6:00 a.m., through Sunday, September 18, 2011 at midnight, for the annual Millpond Music Festival. Motion carried unanimously.

BofS/Minute  
Approval

Moved by Supervisor Cervantes and seconded by Supervisor Fortney to approve the minutes of the Board of Supervisor Meetings of A) August 9, 2011 Regular Meeting; B) August 16, 2011 Regular Meeting; and C) August 22, 2011 Special Meeting. Motion carried unanimously.

Board members  
and Staff Reports

The Board Members reported on their activities during the preceding week, including the Tri-County Fair, a Southern Inyo Airport Advisory Committee Meeting, an IVAC Meeting, a request to reschedule the upcoming Mental Health Board Meeting due to Budget Hearings, a Unified Command Meeting, a Strategic Visioning Working Group Meeting, an Inyo First Five Commission Meeting, and ESTA Board Meeting, a CSAC Board of Directors Meeting, a request to have today's meeting adjourned in remembrance of 9-11, and announcement of the 4<sup>th</sup> Annual Employee BBQ in conjunction with the Friday night Millpond Music Festival activities.

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 the regular meeting at 4:10 p.m., to reconvene in closed session at 4:20 p.m., with all Board Members present, to discuss and take action as appropriate on Agenda Items No. 27. **PERSONNEL [PURSUANT TO GOVERNMENT CODE §54957]** - Public Employee Appointment - Title: Director Public Works; No. 38. **REAL PROPERTY NEGOTIATIONS - CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Pursuant to Government Code §54956.8)** – Property: APN 001-104-11, 556 No. 2<sup>nd</sup> Street, Bishop, Property, California (Bank owned) – Negotiating Parties: County Administrator, HHS Director, Interim Public Works Director, Interim Deputy Public Works Director, and Bank of America – Negotiations: Terms and Conditions; and No.

39. **REAL PROPERTY NEGOTIATIONS - CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Pursuant to Government Code §54956.8)** – License to use County roads for Digital Cable – Negotiating Parties: County Administrator, Director of Information Services and California Broadband Cooperative - Negotiations: Terms and Conditions.

Report on Closed Session      The Chairperson recessed closed session at 6:10 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 meeting at 6:10 p.m., in remembrance of the events of 9-11 and those who lost their lives during the terrorist attacks on the Pentagon and the Twin Towers, and those who stopped the attack on the White House by forcing their aircraft to crash in a field in Pennsylvania, may their sacrifices never be forgotten. The Chairperson adjourned the meeting to 9:00 a.m., Tuesday, September 13, 2011, in the Board of Supervisors Room, at the County Administrative Center, in Independence.

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Chairperson, Inyo County Board of Supervisor

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

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