

MINUTES

County of Inyo Board of Supervisors

October 25, 2011

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of a.m., on, 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 Supervisor Pucci 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 a) an incident that had occurred at the offices in Bishop with one of HHS's clients, which had resulted in law enforcement being called; and b) that the City of Bishop declined to provide funding for the IMAAA program for FY 2012-13. The County Administrator reported on the Annual County Administrative Officers Association of California Meeting, including the CSAC sponsored session on AB 109 funding and another session on labor relations legislation.
- BofS/Adventure Trails Update Mr. Dick Noles of Bishop provided a detailed progress report on the Adventure Trails Project, saying that the roll-out for the roads is going to proceed slowly and cautiously with intense community input, to ensure success of the program. Mr. Steve Toomey from AAPL, addressed the Board to say that the group is applying for non-profit status and one of the first projects will be to identify and sign loops for public use.
- Closed Session The Chairperson recessed open session at 9:30 a.m., to convene in closed session, with all Board Members present to discuss and take action as appropriate on Agenda Items No. 4. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Pursuant to Government Code §54956.9(a) – Inyo Citizens for Better Planning v. Inyo County; Inyo County Board of Supervisors et al. – Inyo County Superior Court Case No. SICVPT05-38164** No. 5. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Pursuant to Government Code §54956.9(a) – Eric Hugelmann v. Inyo County District Attorney, et al. – Inyo County Superior Court Case No. SICVCV11-52515;** No. 6. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Pursuant to Government Code §54956.9(b) – Significant Exposure to Litigation (one case);** No. 7. **PERSONNEL [PURSUANT TO GOVERNMENT CODE §54957] - Public Employee Performance Evaluation - Title: Interim Public Works Director;** No. 8 **PERSONNEL [PURSUANT TO GOVERNMENT CODE §54957] - Public Employee Appointment - Title: Director Public Works;** No. 9. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6] - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Deputy Sheriffs Association (DSA) - Negotiators: CAO Kevin Carunchio and Labor Relations Administrator Sue Dishion;** No. 10. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6] - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Elected Officials Assistants Association (EOAA) - Negotiators: Chief Probation Officer Jeff Thomson and Labor Relations Administrator Sue Dishion;** No. 11. **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. 12. **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 of Child Support Services Susanne Rizo, Chief Probation Officer Jeff Thomson;** No. 13. **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: CAO Kevin Carunchio and Labor Relations Administrator Sue Dishion;** No. 14. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code**

§54957.6] - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Law Enforcement Administrators Association (LEAA) - Negotiators: CAO Kevin Carunchio and Labor Relations Administrator Sue Dishon; and No. 15. **REAL PROPERTY NEGOTIATIONS (CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE §54956.8)** – Mt. Whitney Fish Hatchery, Independence, California – Negotiating Parties: County Administrator and State of California – Negotiations: Terms and Conditions.

- Recess/
Reconvene The Chairperson recessed closed session at 10:05 a.m. to reconvene in open session at 10:10 a.m., with all Board Members present.
- CAO-Gen/Gruen
Contract
Amendment Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to ratify and approve Amendment #1 to the Contract between the County of Inyo and Gruen Gruen & Associates, amending the term of the Contract to an ending date of June 30, 2013 and changing the Scope of Work to include additional projects, contingent upon the Board's adoption of future budgets; and authorize the County Administrator to sign, contingent upon the appropriate signatures being obtained. Motion unanimously passed and adopted.
- Emerg. Serv./Oak
Creek Mud Flows Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion unanimously passed and adopted.
- Parks/Bobcat
Purchase Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to award the bid for and approve the purchase of one Bobcat Fastcat 52" Zero Turn commercial riding mower from Golf Ventures West of Las Vegas in an amount not to exceed \$6,445.61. Motion unanimously passed and adopted.
- CAO-Personnel/
ICCOA MOU Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to approve the Memorandum of Understanding between the County of Inyo and the Inyo County Correctional Officers Association (ICCOA) for the period of November 1, 2011 through June 30, 2013; and authorize the Chairperson to sign. Motion unanimously passed and adopted.
- Assessor/Bertholf
Contract
Amendment Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to approve Amendment No. 1 to 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, increasing the amount of the Contract by \$50,000 to a total Contract amount not to exceed \$75,000; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion unanimously passed and adopted.
- P.W./Annual DBE
Form Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to approve the Interim Exhibit 9-B Local Agency DBE Annual Submittal form for the 2011/2012 Federal Fiscal Year; and authorize the Chairperson to sign. Motion unanimously passed and adopted.
- Sheriff/American
Security Group
Contract Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to approve the Contract between the County of Inyo and American Security Group for the provisions of services and maintenance of security surveillance system equipment, for the period of January 24, 2012 through June 30, 2012, in an amount not to exceed \$11,543.12; and authorize the Chairperson to sign. Motion unanimously passed and adopted.
- BofS/Standing
Committee Report Supervisors Arcularius and Cash reported on the October 17, 2011 Standing Committee meeting. Supervisor Cash noted by agendaizing this item, it gives the public an opportunity to provide their comments on the "dispute resolution" issue. County Counsel provided additional information on the issue, explaining that the two parties do not agree on the process for disputing the Annual Pumping Operations. The Chairperson, Supervisor Cash, noted that there was no one from the public wishing to address this issue.
- DA/Position
Request Moved by Supervisor Arcularius 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 of Office Assistant II exists, as certified by the District Attorney and concurred with by the County Administrator and the Auditor-Controller; B) where internal candidates meet the qualifications for the position, the vacancy could possibly be filled through an internal recruitment, however there is a current existing eligibility list for this position; and C) approve the hiring of one Office Assistant II at Range 46 (\$2,358 - \$2,877) from the existing eligibility list. Motion unanimously passed and adopted.

HHS/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 positions of Residential Caregiver exists in the Mental Health budget, as certified by the Health and Human Services Director and concurred with by the County Administrator and the Auditor-Controller; B) where internal candidates meet the qualifications for the positions, the vacancies could possibly be filled through internal recruitments, though open recruitments may be more appropriate to ensure a sufficient number of qualified candidates apply if none are found on existing lists; and C) approve the hiring of one fulltime Residential Caregiver at Range 53 (\$2,779 - \$3,380) and one B-Par Residential Caregiver at Range 53PT (\$14.89 – \$18.12 per hour). Motion unanimously passed and adopted.
P.W./ESTA Parking Lot and Security Lighting & Fencing Project	The Interim Public Works Director, Mr. Doug Wilson, informed the Board that the LTC has confirmed that should the bonds not be sold, the funding for this project will be provided through the LTC grant funding. Moved by Supervisor Pucci and seconded by Supervisor Fortney to award and approve the Contract for the ESTA Parking Lot Security Lighting and Fencing Project to Kendall Engineering, Inc., in the amount of \$58,643; authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained; and authorize the Public Works Director to sign all other Contract documents, including change orders, to the extent permitted pursuant to §20142 of the Public Contract code and other applicable law. Motion unanimously passed and adopted.
PW/Budget Amendment and McMurtrie-Tanskley Contract Amendment	Moved by Supervisor Arcularius and seconded by Supervisor Fortney to A) amend the FY 2011-2012 CSA #2 Budget Unit 810001 by increasing appropriations in Professional & Special Services (<i>Object Code #5265</i>) by \$7,500 from fund balance; and B) approve Amendment No. 2 to the Contract between the County of Inyo and McMurtrie-Tanskley, Inc., for the Aspendell Sanitary Sewer Maintenance services for operation and maintenance, increasing the Contract from \$10,000 to \$17,500 for FY 2011-12 for a total amount not to exceed \$42,500 for the term of the Contract; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained.
Road Dept./Darwin & Keeler Mailboxes	The Interim Public Works Director, Mr. Doug Wilson, explained that the US Postal Service (USPS) had shut down the branches in Darwin and Keeler and had proceeded to begin construction, on the County right of way, of cluster mail boxes in the communities. He noted the County had stopped the construction because USPS had not obtained a permit to use the County's right of way. He said that there had been issues with getting agreement from the USPS on the long-term liability indemnification for the County. He said that he had just received confirmation of the USPS's approval of the agreement and recommended the Board authorize the installation of the mail boxes contingent upon County Counsel's approval of the indemnification language. Moved by Supervisor Cervantes and seconded by Supervisor Fortney to authorize the installation of the Cluster Mail Boxes in the communities of Darwin and Keeler, contingent upon County Counsel's approval of the indemnification language. Motion unanimously passed and adopted.
Rd. Dept./Road Closures	Moved by Supervisor Cervantes and seconded by Supervisor Fortney to approve the closure of Movie Road on November 10 and 11, 2011 and Cerro Gordo Road on November 8 and 9, 2011 from 6:00 a.m. to 6:00 p.m. for filming. Motion unanimously passed and adopted.
Recess/Reconvene	The Chairperson recessed the regular meeting at 10:40 a.m. to convene as the Capital Asset Leasing Corporation to conduct the Corporation's Annual Meeting, see separate minutes. The Chairperson reconvened in open session at 10:45 a.m., with all Board Members present.
Water/LORP Annual Accounting Report	Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to approve the LORP 2010-11 LORP Annual Accounting Report. Motion unanimously passed and adopted.
Recess/Reconvene	The Chairperson recessed the regular meeting at 10:50 a.m., to reconvene in open session at 11:00 a.m., with all Board Members present.
Planning/Lijek Appeal	The Chairperson opened the public hearing at 11:00 a.m., regarding Appeal No. 2011-03 (Lijek), which is an appeal of a Planning Commission's approval of Variance No. 2011-01 (Norberg). Mr. Josh Hart, Planning Director, reviewed the Staff Report and recommendations and at the conclusion of his remarks requested that the Staff Report and all attachments be entered into the record and they were marked Exhibit A. Ms. Lijek's Attorney, Mr. Gerard Harvey, appeared on Ms. Lijek's behalf. Mr. Harvey submitted copies of three photographs of the subject properties and they were marked Exhibit B. Mr. Harvey went on to explain why Variance No. 2011-01 (Norberg) should not have been approved because the 7 ft. fence in the front yard is an eye sore, is not allowed by code and there are no other structures this high allowed in the area. Ms. Dee Norberg addressed the

Board to provide information on the fence for which the Variance was sought and to respond to questions from the Board. Mr. Hart clarified that there were fences in the area that did exceed the height limits set by Code. Supervisor Fortney questioned whether a fence of that height would require a building permit. Mr. Hart said that it would and Ms. Norberg confirmed that a building permit would be obtained. The Chairperson closed the public hearing at 11:15 a.m. Supervisor Pucci explained why he felt today's actions were beneficial because it gave both parties the opportunity to present their positions to an authoritative governing body. The Board discussed the information provided during the hearing. Moved by Supervisor Pucci and seconded by Supervisor Arcularius to, based upon the information received, deny the appeal of the Planning Commission's approval of Variance No. 2011-01 (Norberg) and sustain the Planning Commission's approval of the Variance. Motion unanimously passed and adopted.

- Planning/Mammoth Land Exchange Correspondence The Planning Director, Mr. Josh Hart, provided additional information on the proposed Mammoth Base Land Exchange. He reviewed the draft correspondence to the U.S. Forest service regarding the Exchange. The Board and Mr. Hart discussed the correspondence in detail and at length. They discussed many items including the need to add the Sustainable Forest Action Coalition to the "cc" list, alternative language for portions of paragraph three, coordination requirements, and the two lots located in Inyo County. Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve the correspondence to the U.S. Forest Service regarding the proposed Mammoth Base Land Exchange, as amended; and authorize the Chairperson to sign.
- BofS/Minute Approval Moved by Supervisor Cervantes and seconded by Supervisor Fortney to approve the minutes of the October 11, 2011 Board of Supervisors Meeting. Motion unanimously passed and adopted.
- Recess/Reconvene The Chairperson recessed the regular meeting at 11:45 a.m., to reconvene in a workshop at 12:45 p.m., with all Board Members present.
- HHS/Wellness Centers Workshop The Board convened in a workshop with representatives of the Health and Human Services Behavioral Health Services Division on the Health and Human Services Department Behavioral Health Wellness Centers. The Chairperson recessed the workshop at 1:05 p.m., to reconvene in closed session.
- Closed Session The Board reconvened in closed session at 1:05 p.m., with all Board Members present to continue discussion and take action as appropriate on previously identified closed session items. The Chairperson recessed closed session at 3:00 p.m.
- Planning/Zoning Workshop The Board convened in a workshop, with all Board Members present, at 3:05 p.m., to discuss draft sections of the updated Zoning Code and provide input to staff and the Planning Commission. The Chairperson recessed the workshop at 3:15 p.m., to reconvene in open session, with all Board Members present.
- Public Comment The Chairperson announced the second 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, a request from NACo for the County to weigh in on the 3% vendor withholding requirement, with a request that the County send a letter opposing the implementation of this requirement, and a request by Supervisor Fortney that today's meeting be adjourned in memory of Braedon Hyland, the teenage son of past Bishop residents Bill and Zoe Hyland and the grandson of Bishop residents and business owners Max and Joyce Hernandez, who passed away, with the Board expressing their condolences to the family on their tragic loss.
- Closed Session The Chairperson recessed open session at 3:30 p.m. to reconvene in closed session to discuss and take action as appropriate on previously identified closed session items.
- Report on Closed Session The Chairperson recessed closed session at 4:45 p.m., to reconvene in open session to receive a report on closed session. County Counsel reported that with regarding to Agenda Item No. 6. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Pursuant to Government Code §54956.9(b) – Significant Exposure to Litigation (one case)**, in a unanimous vote, with Supervisors Arcularius, Cash, Pucci, Fortney and Cervantes voting yes, has decided to dispute an issue pursuant to the procedures of the Stipulation and Order for Judgment between the County of Inyo and the City of Los Angeles on a Long-Term Groundwater Management Plan for Owens Valley and Inyo County as follows: Is the Technical Group required to follow Water

Agreement Section IV.B and Green Book Section I.C when making a determination regarding an alleged violation to the vegetation goals of the Water Agreement arising out of an Annual Operations Plan?—this issue was raised between the County of Inyo and Los Angeles Department of Water and Power and was brought to the Standing Committee on October 17, 2011, and was not resolved.

Adjournment

The Chairperson adjourned the meeting at 4:45 p.m., in memory of Braedon Hyland, who was a past resident of Inyo County, the teenage son of Bill and Zoe Hyland who also used to live in Bishop, and the grandson of Max and Joyce Hernandez of Bishop. The Chairperson adjourned the meeting to 9:00 a.m., Tuesday, November 1, 2011, in the Board of Supervisors Room, at the County Administrative Center, in Independence.

Chairperson, Inyo County Board of Supervisor

Attest: KEVIN D. CARUNCHIO
Clerk of the Board

by: _____
Patricia Gunsolley, Assistant