

MINUTES

County of Inyo Board of Supervisors

November 1, 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, 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 Cash 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 The Chairperson announced the County Department Report period. Ms. Jean Turner, Director of Reports Health and Human Services reported on yesterday's IMAAA Governing Board Meeting. Ms. Kammi Foote, Clerk-Recorder, presented the Board with the County Recorders Association of California's 2010-2011 Statistical Report. The Planning Director, Mr. Josh Hart, provided the Board with a schedule of meetings on the CESEAP.
- Emerg. Serv./Oak Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to continue the local Creek Mud Flows emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion unanimously passed and adopted.
- CAO-Adv. Co. Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to A) declare Lone Pine Res./Cal Expo Chamber of Commerce a sole-source contract for the purpose of designing, constructing, staffing and removing the Inyo County Exhibit at the 2012 California State Fair; B) approve the Contract Exhibit between the County of Inyo and the Lone Pine Chamber of Commerce to design, construction, staff, and remove the Inyo County Exhibit at the 2012 California State Fair, in an amount not to exceed \$10,000; and authorize the County Administrator to sign contingent upon the appropriate signatures being obtained; and C) authorize the County Administrator to sign any documents related to designating the Lone Pine Chamber of Commerce as the County's Contractor for coordinating the Inyo County Exhibit at the 2012 California State Fair. Motion unanimously passed and adopted.
- Integ. Waste/Roll- Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to award the bid for and Off Bins P.O. approve the purchase of two 24 ft. x 8 ft. 40-yard solid waste roll-off bins from Stockton Tri Industries, Inc., in an amount not to exceed \$10,019.96. Motion unanimously passed and adopted.
- HHS-Inyo First Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to appoint Cheyenne Five/Comm. Stone to the Inyo County Children and Families First Commission to complete an unexpired three-year term ending February 1, 2012. Motion unanimously passed and adopted.
- HHS-Inyo First Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to ratify and approve the Five/Child Care Contract between the County of Inyo and the Inyo Child Care Services for the provision of Family Services Contract Strengthening services for the period of July 1, 2011 through June 30, 2012, in an amount not to exceed \$25,000; and authorize the Chairperson to sign. Motion unanimously passed and adopted.
- DA./Position Moved by Supervisor Fortney and seconded by Supervisor Pucci to find that consistent with the Request adopted Authorized Position Review Policy: A) the availability of funding for the requested position of Deputy District Attorney IV 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 be filled through an internal recruitment; and C) approve the closed County recruitment and hiring of one Deputy District Attorney IV, at Range 85 (\$5,919 – \$7,195). Motion unanimously passed and adopted.

E. Health/Position Request	<p>The Environmental Health Director, Mr. Marvin Moskowitz, explained why he was requesting an internal recruitment. He said that he felt there were some qualified candidates currently working for the County who would maybe like the opportunity to move into a position that has future advancement potential. He went on to explain that he was requesting authority to hire the trainee position prior to the EHS position becoming vacant to provide training opportunities. He also confirmed that the “trainee” will have the ability to work without supervision. The Board and Mr. Moskowitz discussed the educational requirements for the position as well as the training hours that are required before the person becomes certified. Supervisor Cash did not support the internal recruitment for a trainee position. Supervisor Fortney said he also did not support the recruitment of a trainee, expressing that he preferred a qualified inspector be hired. Supervisor Fortney also expressed his concern about setting a precedent in that other Departments have not been allowed to hire prior to the vacancy occurring. Mr. Moskowitz continued to respond to questions from the Board and confirmed that even the person selected for the trainee position will be required to be certified by the State prior to assuming his/her trainee duties. Moved by Supervisor Cervantes and seconded by Supervisor Pucci to A) increase the authorized strength within the Environmental Health Department by adding one full time Registered Environmental Health Trainee position at Range 65 (\$3,671 - \$4,464) and B) find that consistent with the adopted Authorized Position Review Policy: (a) the availability of funding for the requested position of Registered Environmental Health Trainee comes from the General Fund, as certified by the Director of Environmental Health and concurred with by the County Administrator and the Auditor-Controller; (b) where internal candidates meet the qualifications for the position, the vacancy could be filled through an internal recruitment; (c) approve the closed County recruitment and hiring of one Environmental Health Trainee at Range 65; and (d) effective January 16, 2012 delete the vacant Environmental Health Specialist III position at Range 77 (\$4,878 - \$5,932). Motion carried on a three-to-two vote with Supervisors Arcularius, Pucci and Cervantes voting yes, and with Supervisors Cash and Fortney voting no.</p>
P.W./E.S. Blueprint Planning Grant	<p>The Interim Public Works Director, Mr. Doug Wilson, briefly described some of the benefits that may be derived by the County’s participation in Blueprint Planning Grant process. One being the ability to share in revenue and the other is improving the ranking of the County’s applications when being considered for grant funding. Courtney Smith, Transportation Planner, provided additional information concerning the Blueprint Planning process. The Board and Staff discussed the pros and cons of participating in the process. Moved by Supervisor Arcularius and seconded by Supervisor Fortney to authorize the County’s participation in the Eastern Sierra Regional Blueprint Planning Grant with direction that the document be brought back for Board of Supervisors review before LTC approval. Motion unanimously passed and adopted.</p>
BofS/Support for HR 674 to Repeal 3% Vendor Withholding	<p>Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to approve the letter to Congressman Buck McKeon asking that he support HR 674 to repeal federal requirements that the County withhold, report, and transmit 3% of all vendor payments for goods and services that exceed \$10,000 to the U.S. Treasury; authorize the Chairperson to sign, and amend the County’s Legislative Platform to incorporate this support position. Motion unanimously passed and adopted.</p>
District/Mesa Comm. Serv. District Appointments	<p>Moved by Supervisor Arcularius and seconded by Supervisor Pucci to appoint the following to fill three vacancies on and constitute a quorum of the Mesa Community Services District, to serve from 12:00 noon on December 2, 2011 until persons elected in the next District General Election (after November 2011) assume office: Mr. Sam Dean, Mr. Steve Yeager and Mr. Ken Milici. Motion unanimously passed and adopted.</p>
BofS/Minute Approval	<p>Moved by Supervisor Cervantes and seconded by Supervisor Fortney to approve the minutes of the October 18, 2011 Board of Supervisors Meeting. Motion unanimously passed and adopted.</p>
Resol. #2011-44/ App for CEC Low Interest Loan	<p>The County Administrator, Mr. Kevin Carunchio, provided additional information and clarification on the request to apply for a low interest loan from the CEC to help pay for the installation of photovoltaic systems on County Buildings. Mr. Carunchio updated the Board on the project, explaining that due to roof requirements that could not be met, the project has been scaled back. The Board and Mr. Carunchio talked at length about the project and how this funding would help keep County costs down. Mr. Carunchio recommended that the reference to previous financing groups in the resolution be omitted and the last sentence of the last paragraph on page one be changed to read “...upon final approval of related financial documents.”</p>

On a motion by Supervisor Arcularius and a second by Supervisor Pucci, Resolution No. 2011-44 titled "A Resolution of the Board of Supervisors Of The County of Inyo, State of California, Authorizing Submittal Of An Application For A Low Interest Loan To The California Energy Commission To Install Photovoltaic Systems on County Buildings" was approved as amended: motion unanimously passed and adopted.

Board Members and Staff Reports The Board Members reported on their activities during the preceding week including an Interagency Visitors Center Meeting, the Citizen of the Year Awards Ceremony, the Old West Days in Shoshone, Octoberfest in Lone Pine, individual meetings with Assemblywoman Conway's staff member Dillon Gibbon, an IMAAA Governing Board Meeting, notice of the release of the Governor's Pension Reform Plan, and CSAC Board of Directors teleconference. The County Administrator reported on last week's CEC meeting in Tecopa on the Bright Source Project.

Closed Session The Chairperson recessed open session at 11:25, to convene in closed session at 11:30 a.m., with Board Members present to discuss and take action as appropriate on Agenda Items No. 16. **PERSONNEL [PURSUANT TO GOVERNMENT CODE §54957]** - Public Employee Performance Evaluation - Title: Interim Public Works Director; No. 17. **PERSONNEL [PURSUANT TO GOVERNMENT CODE §54957]** - Public Employee Appointment - Title: Director Public Works; No. 18. **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. 19. **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. 20. **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. 21. **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. 22. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: ICEA - Negotiators: Labor Relations Administrator Sue Dishion, Director of Child Support Services Susanne Rizo, Chief Probation Officer Jeff Thomson; No. 23. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code § 54957.6].** – Instructions to Negotiators re: wages, salaries and benefits – Employee Organization: Inyo County Probation Peace Officers Association (ICPPOA) – Negotiators: CAO Kevin Carunchio and Labor Relations Administrator Sue Dishion; No. 24. **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 Dishion; and No. 25. **REAL PROPERTY NEGOTIATIONS (CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE §54956.8)** – Property: APN 001-104-11, 556 No. 2nd 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.

Recess/Reconvene The Chairperson recessed closed session at 12:15 p.m., to reconvene in open session at 1:05 p.m., with all Board Members present.

BofS/Haueter Visit The Board welcomed Mr. Bob Haueter, Deputy Chief of Staff for Congressman Buck McKeon, who updated the Board on Congressional issues relating to Inyo County. Mr. Haueter and the Board discussed the legislation introduced by the Congressman that is a part of the Mammoth Base Land Exchange. Mr. Haueter apologized to the Board for Staff's oversight in not notifying Inyo County of the impending legislation and said that processes have been put in place to eliminate this type of oversight in the future. The Board thanked Mr. Haueter for coming to the meeting which gave the full Board the opportunity to talk about those issues important to Inyo County.

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 1:55 p.m., to reconvene in closed session with all Board Members present, to discuss and take action as appropriate on previously identified closed session items.
- Report on Closed Session The Chairperson recessed closed session at 3:00 p.m., to reconvene in open session to receive a report on closed session. County Counsel reported that with regard to Agenda Item No. 19. **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**, the Board in a unanimous vote, with Supervisors Arcularius, Cash, Pucci, Fortney and Cervantes voting yes, approved a settlement agreement concerning the Inyo Citizens for Better Planning v. Inyo County lawsuit, with the County agreeing to pay the Inyo Citizens for Better Planning \$40,000 for settlement of the entirety of the action, including all costs and attorneys fees.
- Adjournment The Chairperson adjourned the regular meeting at 3:03 p.m., to 9:00 a.m., Tuesday, November 8, 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