

MINUTES

County of Inyo Board of Supervisors

November 15, 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, November 15, 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, the County Administrator, 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.
- County Department
Reports The Chairperson opened the County Department Report period. The County Administrator reported that Ms. Kelley Williams his Administrative Assistant had procured from CalEMA, at no cost to the County, cots and other emergency supplies that the Agency no long wanted.
- BofS/Big Pine Tribe
Travel Plaza Mr. Mark Tillemans of the Big Pine Paiute Development Corporation asked that the Item from the Corporation, which is scheduled for discussion later in the meeting be pulled from consideration. He explained that it was determined, after further discussions with Caltrans that the request for Board assistance is premature. Mr. Tillemans went on to make a presentation on the proposed Travel Plaza to be built in Big Pine. At the conclusion of Mr. Tillemans' remarks the Chairperson pulled the request from the Big Pine Paiute Development Corporation asking the County of Inyo to agree to serve as the lead agency for CEQA with regard to the BPDC's proposed Travel Plaza. The County Administrator acknowledged and thanked the Big Pine Tribe for its early communications and advanced planning on this project.
- 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 unanimously passed and adopted.
- CAO-Personnel/
Chief Probation
Officer Contract
Amendment Moved by Supervisor Cervantes and seconded by Supervisor Fortney to approve Amendment No. 1 to the Agreement between the County of Inyo and Jeffrey Thomson for personal services as the Chief Probation Officer, amending the Agreement as follows: beginning December 1, 2011 through June 30, 2012, Officer will receive 35 paid administrative leave hours to be used by June 30, 2012 and effective July 1, 2012 through June 30, 2013 and every fiscal year thereafter, Officer will receive sixty paid administrative hours; and authorize the Chairperson to sign. Motion unanimously passed and adopted.
- Motor Pool/Van
P. O. Moved by Supervisor Cervantes and seconded by Supervisor Fortney to award the bid to and approve the purchase from Eastern Sierra Motors, as the low bidder, of one 2012 Transit Connect Van in an amount not to exceed \$21,947.29. Motion unanimously passed and adopted.
- Clerk-Recorder/
Copier Scanner
P. O. Moved by Supervisor Cervantes and seconded by Supervisor Fortney to authorize the Clerk-Recorder to exercise the buy-out option of an existing lease agreement with Xerox Corp for a used Xerox Model 6204 wide format copier/scanner for the amount of \$5,111 with a 12-month Maintenance Contract in the amount of \$54.50 per month, plus tax, with the option to extend said Contract, and authorize the Clerk-Recorder to sign. Motion unanimously passed and adopted.
- Clerk-Recorder-
Elections/Statement
of Votes Cast Moved by Supervisor Cervantes and seconded by Supervisor Fortney to accept the Statement of All Votes Cast at the UDEL Election held November 8, 2011 and declare elected those offices according to the number of votes for each as shown on the Statement of All Votes cast. Motion unanimously passed and adopted.

HHS-Health Serv./ Toiyabe Indian Health Project Contract	Moved by Supervisor Cervantes and seconded by Supervisor Fortney to ratify and approve the Contract between the County of Inyo and Toiyabe Indian Health Project, Inc., for the provision of Child Health services for the period of October 1, 2011 through June 30, 2012, in an amount not to exceed \$42,000; and authorize the Chairperson to sign. Motion unanimously passed and adopted.
Planning/HOME Lone Services Guideline Amendments	Moved by Supervisor Cervantes and seconded by Supervisor Fortney to approve amendments to the HOME Loan Service Plan Guidelines regarding: the period of affordability, recapture method, guidelines for repayment, reconveyance and owner occupied rehabilitation and add the language provided by HCD to address these missing elements. Motion unanimously passed and adopted.
Museum/Community Project Sponsorship Program Grant Awards	Mr. Jon Klusmire, Director of Museum Services, provided additional information and further clarification on the recommendations for awarding the FY 2011-12 Community Project Sponsorship Program grants. He said that 30 projects totalling over \$211,000 had been submitted for the \$100,000 that was budgeted for this year. He reviewed the individual projects, explaining the ratings for the projects by the Review Committee. The Board expressed its concern that once again the Fish Opener Press Reception had not be selected for funding, with several Board Members noting how important the Reception is and how difficult it is to quantify the overall benefits derived from the event. Ms. Susan Cullen of the Laws Museum thanked the Board for its continuing support of Museum projects. Ms. Tawny Thomson and Mr. Dave Patterson of the Bishop Area Visitors Center and Chamber of Commerce also thanked the Board for its continuing support of Chamber activities and to talk about the importance of the Press Reception. The Board extended its thanks and appreciation to the people who had served on the Review Panel. Moved by Supervisor Fortney and seconded by Supervisor Arcularius to approve 22 Community Project Sponsorship Program Grant awards for 2011-2012 recommended by the Community Project Sponsorship Program Grant Review Panel, in the amounts recommended by the Panel for a total amount of \$100,000 and authorize the County Administrator to sign the Contracts with the FY 2011-12 Community Project Sponsorship Program recipients, in the amounts approved by the Board, contingent upon the appropriate signatures being obtained. Motion unanimously passed and adopted.
Integ. Waste/ Position Request	Moved by Supervisor Fortney and seconded by Supervisor Pucci to find that consistent with the adopted Authorized Position Review Policy that: 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; and B) authorize the filling of one Gate Attendant position, at Range 43 (\$2,206 - \$2,683) from the established list. Motion unanimously passed and adopted.
HHS-Hlth. Serv./ Position Request	The Board discussed the pros and cons of conducting a closed recruitment for the position, with several Board Members noting that an open recruitment does not preclude qualified County employees from applying for the position. Ms. Jean Turner, Director of Health and Human Services, confirmed that an open recruitment would also work for this position. Moved by Supervisor Fortney and seconded by Supervisor Arcularius to A) amend the authorized strength by adding one full time Prevention Specialist position at Range 60 (\$3,271 - \$3,973); and B) find that consistent with the adopted Authorized Position Review Policy: (a) the availability of funding for the requested position exists in the Public Health and CARES budgets, 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 position, the vacancy could possibly be filled through an internal recruitment, however an open recruitment is the preference of the Board; and (c) approve the open recruitment for and hiring of one Prevention Specialist at Range 60 (\$3,271 - \$3,973). Motion unanimously passed and adopted.
HHS-Mental Hlth. Serv./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 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 position, the vacancy could possibly be filled through an internal recruitment, however an open recruitment may be more appropriate to ensure a sufficient number of qualified candidates apply; and C) approve the hiring of one Account Technician III at Range 63 (\$3,502 - \$4,261) through an open recruitment. Motion unanimously passed and adopted.

Probation/Position Request	Moved by Supervisor Arcularius and seconded by Supervisor Pucci to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the requested position exists, as certified by the Chief Probation Officer 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 an open recruitment may be more appropriate to ensure the position is filled with the most qualified applicant; and C) approve the hiring of one full-time Group Counselor I at Range 62 (\$3,426 - \$4,166) through an open recruitment. Motion unanimously passed and adopted.
Recess/Reconvene	The Chairperson recessed the regular meeting at 10:00 a.m., to reconvene in a workshop at 10:10 a.m., with all Board Members present.
P.W./Adventure Trails Workshop	The Board convened in a workshop to provide feedback in response to an outline detailing procedures to implement AB 628 concerning the Adventure Trails System in Inyo County. The Chairperson recessed the workshop at 11:30 a.m., to reconvene in open session.
Road - P.W./Budget Amendment	Moved by Supervisor Cervantes and seconded by Supervisor Fortney to amend the FY 2011-12 Road Budget Unit 034600 by increasing estimated revenue in Other Agencies (<i>Revenue Code #4599</i>) by \$125,000 and increasing appropriations in Road Materials (<i>Object Code #5309</i>) by \$125,000. Motion unanimously passed and adopted.
P.W.-Airports/ Budget Amendment	Moved by Supervisor Fortney and seconded by Supervisor Cervantes to amend the FY 2011-2012 County Budget as follows: A) in Independence Airport Budget Unit 150402 increase estimated revenues in Federal Grants (<i>Revenue Code #4455</i>) by \$33,250, State Other (<i>Revenue Code #4499</i>) by \$831, Inter-Government Charges (<i>Revenue Code #4824</i>) by \$919 and increase appropriations in External Charges (<i>Object Code #5124</i>) by \$10,300 and Construction in Progress (<i>Object Code #5700</i>) by \$24,700; and B) in Public Works Budget Unit 011500 increase estimated revenue in Inter-Government Charges (<i>Revenue Code #4824</i>) by \$919, and increase appropriations in In-Kind Contributions (<i>Object Code #5850</i>) by \$919. Motion unanimously passed and adopted.
Rd. Dept./Road Closure	Moved by Supervisor Fortney and seconded by Supervisor Arcularius to approve the closure of Fort Road from approximately November 16 through November 19, 2011 for film rehearsal; and from approximately December 3 through December 9, 2011 for final filming, with the exact dates and times of the closures to be approved by the Road Commissioner. Motion unanimously passed and adopted.
Water/State Lands Commission Aquifer Test Lease	Moved by Supervisor Cervantes and seconded Supervisor Arcularius to approve the Lease Agreement between the County of Inyo/LADWP and the California State Lands Commission for aquifer tests at three existing production well sites, dry lake bed of Owens Lake, Inyo County and authorize the County Administrative Officer, Water Director, or Chairperson to sign. Motion unanimously passed and adopted.
Closed Session	The Chairperson recessed open session at 11:35 a.m., to convene in closed session, with all Board Members present, to discuss and take action as appropriate on Agenda Items No. 27. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant To Government Code §54956.9(a)] – Dispute Resolution with Los Angeles Department of Water and Power; and No. 36. 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. The Chairperson recessed closed session at 11:45 a.m., to reconvene in open session, with all Board Members present.
Water-County Counsel/McDowell Mediator Contract	Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to A) select Phil McDowell, Esq. as the mediator representing Inyo County in its dispute with the City of Los Angeles Department of Water and Power and B) approve the Contract between the County of Inyo and Phil McDowell for these services, in an amount not to exceed \$10,000; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion unanimously passed and adopted.

Resol. #2011-45/
License Agreement
for Digital 395 Project

County Counsel, Mr. Randy Keller, provided the Board with several new pages of the License Agreement that had minor changes which he explained was changing the reference from “contractor” to Licensee.” On a motion by Supervisor Arcularius and a second by Supervisor Fortney, Resolution No. 2011-45 approving the license agreement, making findings pursuant to CEQA, adopting mitigation, adopting a mitigation and monitoring program, and waiving fees for County services related with the Digital 395 Project, was approved; motion unanimously passed and adopted.

Planning/Digital 395
License Agreement

Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve the License Agreement relating to the Digital 395 Project; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion unanimously passed and adopted.

BofS/Minute
Approval

Supervisor Cash requested that the minutes of October 25, 2011, be amended on page three, third paragraph from the end to reflect 2010. Moved by Supervisor Fortney and seconded by Supervisor Cervantes to approve the minutes of the Board of Supervisors Meetings of A) October 25, 2011; B) November 1, 2011; and C) November 7, 2011. Motion unanimously passed and adopted.

Planning/Zoning
Code Workshop

The Chairperson recessed open session at 12:00 p.m., to convene in a workshop with all Board Members present, to conduct a workshop regarding draft sections of the updated Zoning Code to provide input to staff and the Planning Commission. The Chairperson recessed the workshop at 12:15 p.m., to reconvene in open session, with all Board Members present.

Board Members and
Staff Reports

The Board Members reported on their activities during the preceding week, including a meeting in Keeler, an Adventure Trails Meeting, a meeting on Yucca Mountain, notice that 911 repeater is working thanks to Mr. Paul Hancock of the Public Works Department who repaired it on his day off, a Big Pine Tribal Meeting, the Veterans Day celebrations, an IMAAA Meeting, an RCRC Executive Meeting, an Inyo First Five Commission Meeting, and a City of Bishop Council Meeting, with clarification that the Hanby property discussed during the Council Meeting is not scheduled for release thus the discussions by the City regarding its disposition may be premature. The County Administrator provided additional clarification regarding the DWP land releases and the process.

Public Comment

The Chairperson opened 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 12:25 p.m., to reconvene in closed session, with all Board Members present to discuss and take action on Agenda Items No. 28. **PERSONNEL [PURSUANT TO GOVERNMENT CODE §54957]** - Public Employee Appointment - Title: Director Public Works; No. 29. **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. 30. **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. 31. **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. 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 of Child Support Services Susanne Rizo, 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 Probation Peace Officers Association (ICPPOA) – Negotiators: CAO Kevin Carunchio and 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: Law Enforcement Administrators Association (LEAA) - Negotiators: CAO Kevin Carunchio and Labor Relations Administrator Sue Dishion; No. 35. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re:

wages, salaries and benefits – Title: IHSS - Negotiators: Director of Health and Human Services, Jean Turner, Labor Relations Administrator Sue Dishion, Employer of Record – Anne Parkinson Noda and Bill May; and No. 37. **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. The Chairperson recessed closed session at 1:00 p.m., to reconvene in open session to receive a report on closed session.

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 1:00 p.m., to 9:00 a.m., Tuesday, December 6, 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