

MINUTES

County of Inyo Board of Supervisors

October 16, 2012

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, October 16, 2012, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Marty Fortney presiding, Susan Cash, and Richard Cervantes. Supervisors Arcularius and Pucci were absent. Supervisor Cervantes provided the Invocation, and Supervisor Cash led the Pledge of Allegiance.

- Public Comment The Chairperson announced the public comment period. Supervisor Cervantes noted that LADWP has filed a lawsuit against numerous entities including the Great Basin Air Pollution Control District and the EPA regarding dust abatement on the Owens Lake.
- County Department Reports The Chairperson announced the County Department Report period. Dr. Bob Harrington, Water Director reported on the Tech Group Meeting. Supervisor Cash asked that a discussion regarding the Tech Groups decisions concern work to be done on the McNally ponds EM project be brought back to the Board in the near future for further discussion by the Board. Mr. Jon Klusmire, Museum Services Director, reported on clean up efforts at the Museum in conjunction with the Green Waste disposal fee waiver day on Saturday, October 13, 2012. Mr. Klusmire also reported on the Forest Service archive project and provided a marketing update. Sheriff Lutz informed the Board that work will begin establishing an address GIS data base for emergency services purposes.
- Introduction Lt. Jeff Hollowell, Veterans Services Officer, introduced Mr. Saul Sanabria, the new Veterans Service Representative to the Board.
- Org./Wild Iris- Domestic Violence Awareness Month Ms. Michelle Pettit, Assistant Director of Wild Iris, provided information on the impacts of domestic violence. Moved by Supervisor Cash and seconded by Supervisor Cervantes to approve a proclamation declaring October as Domestic Violence Awareness Month. Motion carried unanimously, with Supervisors Arcularius and Pucci absent.
- Emerg. Serv./Oak Creek Mud Flow Moved by Supervisor Cervantes and seconded by Supervisor Cash to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously, with Supervisors Arcularius and Pucci absent.
- Planning/L.P. Architectural Design Review Board Appointment Moved by Supervisor Cervantes and seconded by Supervisor Cash to appoint Mr. Brian Webb to the Lone Pine Architectural Design Review Board representing the licensed architect category, to complete a two year term ending August 19, 2014. Motion carried unanimously, with Supervisors Arcularius and Pucci absent.
- P.W./ESE Contract Amendment Moved by Supervisor Cervantes and seconded by Supervisor Cash to approve Amendment No. 1 to the Contract between the County of Inyo and ESE for engineering services for the Independence Town Roads Rehabilitation Project, increasing the amount of the Contract by \$13,600 to an amount not to exceed \$45,380; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously, with Supervisor Arcularius and Pucci absent.
- Rd. Dept./Liquid Asphalt Contract Moved by Supervisor Cervantes and seconded by Supervisor Cash to award and approve the Contract between the County of Inyo and Environmental Concepts for the purchase of Liquid Asphalt Projects for the period of October 10, 2012 through December 31, 2012, in an amount not to exceed \$148,420.55; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously, with Supervisors Arcularius and Pucci absent.

Resol. #2012-43/
Wasson Keeler
Road Easement

The Interim Public Works Director, Mr. Doug Wilson, noted that the original Easement which was signed actually had the incorrect APN noted and the document would have to be re-signed. He asked that the Board accept the Easement and the authorizing resolution contingent upon the Easement documentation being corrected. He noted the correction was in the APN number which should be 31-075-070.

Moved by Supervisor Cervantes and seconded by Supervisor Cash to accept the Easement from Samuel R. Wasson and Theona D. Wasson for Old State Highway in the Community of Keeler contingent upon the document being corrected to reflect the correct APN number. Motion carried unanimously, with Supervisor Arcularius and Pucci absent.

On a motion by Supervisor Cervantes and a second by Supervisor Cash, Resolution No. 2012-43 titled "A Resolution of the Inyo County Board of Supervisors for Acceptance of Easements for Road Purposes;" was approved: motion unanimously passed and adopted with Supervisors Arcularius and Pucci absent.

Moved by Supervisor Cervantes and seconded by Supervisor Cash to approve the Accommodation Recording Instructions and authorize the Chairperson to sign all necessary documents associated with acceptance of the Easement. Motion carried unanimously, with Supervisor Arcularius and Pucci absent.

Resol. #2012-44/
Young Keeler Road
Easement

The Interim Public Works Director, Mr. Doug Wilson, provided the Board with a revised copy of the resolution to approve the Young Cosgrove Road Easement in Keeler. Mr. Wilson noted that the resolution was reflecting the correct APN of 37-75-09.

Moved by Supervisor Cervantes and seconded by Supervisor Cash to accept the Easement from Glenn W. Young and Sherry L. Cosgrove for Old State Highway in the Community of Keeler, and authorize the Chairperson to sign all necessary documents associated with acceptance of the Easement. Motion carried unanimously, with Supervisors Arcularius and Pucci absent.

On a motion by Supervisor Cervantes and a second by Supervisor Cash, Resolution No. 2012-44 titled "A Resolution of the Inyo County Board of Supervisors for Acceptance of Easements for Road Purposes" was approved as amended with the correction of the APN to 31-75-09: motion unanimously passed and adopted, with Supervisor Arcularius and Pucci absent.

P.W./Senior
Engineer Position
Request

Supervisor Cash questioned the authorization to hire up to the E step. The Interim Public Works Director explained that it was his understanding that the request was made in the event an internal candidate takes the position. Ms. Sue Dishion, Labor Relations Administrator, explained that the authorization for the E Step was not necessary because should an existing County employee take the position, the Rules require that the position's salary when a promotion is involved be at least 5% above the present rate of pay or at the highest step in the promoted salary range if less than 5% higher. Moved by Supervisor Cash and seconded by Supervisor Cervantes to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the Senior Engineer position comes from the Public Works Budget, as certified by the Interim Director of Public Works, and concurred with by the County Administrator and the Auditor-Controller; B) where internal candidates meet the qualifications for the position of Senior Engineer, the vacancy could possibly be filled through an internal recruitment, however an open recruitment would be more appropriate to ensure qualified applicants apply; and C) approve the hiring of one Senior Engineer at Range 81 (\$5,364 – \$6,522) and not giving authorization to hire up to the E Step. Motion carried unanimously, with Supervisor Arcularius and Pucci absent.

P.W./L.P. Airport
Name Change

The Interim Public Works Director, Mr. Doug Wilson, introduced the recommendation from the Southern Inyo Airport Advisory Committee to change the name of the Lone Pine Airport to the "Lone Pine – Death Valley Airport." Mr. Wilson explained that Cal Trans Department of Aeronautics was not supporting this change because there are two airports in Death Valley one of which is referred to as the Death Valley Airport. Supervisor Cervantes said that he did not believe there was an overriding need to change the name and expressed his concern that the name change would cause confusion on exactly where the airport is located in relation to Death Valley. Supervisor Fortney concurred, sharing his concerns regarding location confusion should the name be changed. The Board discussed briefly the problems and confusion that had resulted as a result of the Bishop Airport name change. Moved by Supervisor Cervantes and seconded by Supervisor Cash to not proceed with changing the name of the Lone Pine Airport to "Lone Pine – Death Valley Airport." Motion carried unanimously, with Supervisors Arcularius and Pucci absent.

HHS-Hlth. Serv./ Health Hazard Assessment	Dr. Rick Johnson, Health Officer provided the Board with a copy of the report on the Health Hazard Assessment. Dr. Johnson reviewed the data and discussed how and why the categories were chosen. Ms. Tamara Cohn, also discussed the Assessment and disaster preparedness.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 10:10 a.m., to reconvene in open session at 10:20 a.m., with all Board Members present except Supervisors Arcularius and Pucci.
Resol. #2012-45/ SNC Weed Abatement Grant Application	On a motion by Supervisor Cervantes and a second by Supervisor Cash to approve Resolution No. 2012-45 titled "A Resolution of the Board of Supervisors, County of Inyo, State of California, Approving the Application for Grant Funds for the Sierra Nevada Conservancy Grant Program Under Proposition 84" authorizing the Agricultural Commissioner to submit a grant application to the Sierra Nevada Conservancy up to the amount of \$112,483 to augment weed abatement efforts: motion unanimously passed and adopted with Supervisor Arcularius and Pucci absent.
HHS-ESAAA/ Advisory Council By-Laws	Ms. Jean Turner, Director of Health and Human Services and ESAAA, reviewed the by-laws being proposed for the Eastern Sierra Area Agency on Aging (ESAAA). She informed the Board that the Advisory Council met yesterday to review the by-laws and asked that the following changes be considered. On page 2, Article IV, omit item No 3 regarding the Chairperson's vote in case of a tie vote; and page 3, Article VII, add language that written comments will be accepted as part of the public hearing process. Additionally Ms. Turner requested direction regarding the membership under item F on page two, whether the Board wanted representation. The Board Members discussed the question and expressed a desire to have a Board Member and Alternate Board Member selected to serve on the Advisory Council, with the appointments to be made as a part of the Board's annual Committee appointments. Moved by Supervisor Cash and seconded by Supervisor Cervantes to approve the By-laws for the Eastern Sierra Area Agency on Aging (ESAAA) Advisory Council, including the noted changes recommended by the existing ESAAA Advisory Council, including the appointment of a member and alternate from the Board of Supervisors, and direct the recruitment for members with staggered terms beginning January 1, 2013 per the By-laws. Motion carried unanimously, with Supervisors Arcularius and Pucci absent.
HHS-ESAAA/ Program Update	Ms. Jean Turner, Director of Health and Human Services and ESAAA, updated the Board on issues affecting senior services in Inyo and Mono counties. She provided handouts to the Board as follows: (a) Mono County staff report; (b) a program services report for the two counties; and (c) a copy of a letter she sent to the City of Bishop requesting funding assistance for the Senior Center in Bishop. She updated the Board on the status of the Ombudsman Contract appeal, saying that she and Mr. Randy Keller, County Counsel would be traveling to Sacramento tonight for a hearing tomorrow with the CA Department of Aging. She also informed the Board that an RFQ has been issued for legal services in light of the conflict of interest that resulted in the original responder being disqualified.
Planning/Forest Plan Update	Mr. Josh Hart, Planning Director, reviewed the information that gleaned from the Listening Sessions for the development of the Collaboration and Communication Plan for the Inyo National Forest Plan Update/Revision. Mr. Hart indicated that he had drafted a letter to respond to the information sought during the listening session, if that were the desire of the Board. The Board Members said that they did not think it was necessary to comment on the sessions. The Board talked about the development of an Agreement between the County and the Forest Service where the County is clear on how the Forest Service coordinates with the County. The Board discussed the recent letter from the Regional Forrester, Mr. Randy Moore, regarding the County's comments to the Pre-decisional Administrative Review Process. The County Administrator explained that the agreement would serve as a process document that provides a good opportunity to get the process, i.e., specific communications, sequencing of events, etc., determined to guide the process for both organizations, while presenting a nice rejoinder to Mr. Moore's correspondence.
Planning/Letter of Interest Building Blocks	Ms. Cathreen Richards, Associate Planner, provided additional information and further explanation of the request to review the Building Blocks for Sustainable Communities request for letters of interest, requesting Tool #3 Neighborhood Planning for Healthy Aging, and approve the County's response to the request. The Board and Ms. Richards discussed future opportunities that might be available in the future under the Program. Moved by Supervisor Cash and seconded by Supervisor Cervantes to approve the County's response to the request for letters of interest for Tool #3 Neighborhood Planning for Healthy Aging of the Building Blocks for Sustainable Communities; and authorize the Chairperson to sign. Motion carried unanimously, with Supervisors Arcularius and Pucci absent.

County Counsel/ Legal Publications Contract	Mr. Randy Keller, County Counsel, provided additional justification for the selection of Westlaw for legal research and publication services. He explained that there was information available through Westlaw that is not available through other vendors which is needed. Moved by Supervisor Cervantes and seconded to Supervisor Cash to approve the Contract between the County of Inyo and Westlaw for online legal research services and legal publications for the period of November 1, 2012 through October 31, 2015, in an amount not to exceed \$60,000, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously, with Supervisor Arcularius and Pucci absent.
CAO-Adv. Co. Resc./Community Sponsorship Grant	Mr. Jon Klusmire, Museum Services Director, reported on the L.P. Short Film Festival. Moved by Supervisor Cervantes and seconded by Supervisor Cash to authorize final payment for the completed Community Project Sponsorship Grant Project to the Beverly and Jim Rogers Museum of Lone Pine Film History (Southern Inyo Community Foundation) for successfully completing the First Annual Lone Pine Short Film Festival. Motion carried unanimously, with Supervisors Arcularius and Pucci absent.
Emerg. Serv./ Roadeater Emerg. Continued	The County Administrator updated the Board on the status of the Governor's concurrence of a state of emergency, explaining that the County is still awaiting a response from the state. Mr. Carunchio recommended the emergency be continued. Moved by Supervisor Cervantes and seconded by Supervisor Cash to continue of the local emergency, the Death Valley Roadeater Emergency, that resulted in flooding in the eastern portion of Inyo County during the month of August 2012, per Resolution #2012-32. Motion carried unanimously, with Supervisor Arcularius and Pucci absent.
BofS/Minute Approval	Moved by Supervisor Cash and seconded by Supervisor Cervantes to approve the minutes of the September 25, 2012 Board of Supervisors Meeting. Motion carried unanimously, with Supervisors Arcularius and Pucci absent.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 11:22 a.m., to reconvene in open session at 11:30 a.m., with all Board Members present except Supervisors Arcularius and Pucci.
Planning/NV Office of Energy	Ms. Stacy Crowley, Director of the Nevada State Office of Energy updated the Board on the State's transmission planning efforts. Her presentation encompassed an overview of the Department's duties and their transmission and coordination efforts, as well as a discussion regarding Nevada's renewable energy zones, BLM and DOE's renewable energy zones in the State, and their involvement in sub-regional transmission planning. The Board thanked Ms. Crowley for the presentation.
Board Members and Staff Reports	The Board Members reported on their activities during the preceding week, including a CSAC Executive Committee Meeting, the Big Pine and Independence Fire Departments open houses, the Salvation Army fund raiser, and the Big Pine green waste clean up. The County Administrator advised the Board that he would be out of County the remainder of this week to attend the CAOC Meeting.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 12:05 a.m., to reconvene at 1:00 p.m. as the Capital Asset Leasing Corporation (see separate minutes) and to reconvene as the Board of Supervisors in open session at 1:35 p.m.
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 1:36 p.m., to convene in closed session, with all Board Members present, except Supervisors Arcularius and Pucci, to discuss and take action as appropriate on Agenda Items No. 26. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [PURSUANT TO GOVERNMENT CODE §54956.9(a)] – City of Los Angeles, Department of Water and Power of the City of Los Angeles v. Inyo County Board of supervisors, et. al., Inyo County Superior court Case No. 12908; Blackrock 94 Dispute Resolution; No. 27. 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: Labor Relations Administrator Sue Dishion, Information Services Director Brandon Shults, and Planning Director Josh Hart; No. 28. 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. 29. **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. 30. **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. 31. **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; and No. 32. **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.

- Report on Closed Session The Chairperson recessed closed session at 2:35 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 2:35 p.m., to 9:00 a.m., Tuesday, November 6, 2012, 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