



County of Inyo Board of Supervisors

March 12, 2013

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 March 12, 2013, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Linda Arcularius presiding, Jeff Griffiths, Rick Pucci, Mark Tillemans and Matt Kingsley. Supervisor Pucci led the Pledge of Allegiance.

Public Comment The Chairperson announced the public comment period. Mr. Philip Anaya of Bishop addressed the Board to talk about the Long Term Water Agreement and his concepts for the County in dealing with DWP on water issues.

County Dept. Reports The Chairperson announced the County Department Report period and there were no reports forthcoming.

Post Agenda/Bright Source Agreement The County Administrator provided additional information and further justification to consider the approval of an agreement with Bright Source on the Hidden Hills Project as a post agenda item. Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to find that the need to consider approval of an agreement between the County of Inyo and BrightSource Energy regarding the Hidden Hills Solar Electric Generating System Project arose after the Agenda for today's meeting was posted and there is a need for the Board to take action on this Agreement prior to the next regularly schedules meeting, therefore this item is added as Agenda Item No. 4B. Motion carried unanimously.

Introduction Mr. Randy Keller, County Counsel, introduced Ms. Ana Cummings, Office Assistant in the County Counsel's Office to the Board.

CAO/MuniServices Contract Moved by Supervisor Kingsley and seconded by Supervisor Pucci to authorize an additional \$10,000 in consulting services from MuniServices, LLC., for an amount not to exceed \$20,000, to prepare written and oral testimony for the County, and authorize the County Administrator to sign the written estimate. Motion carried unanimously.

CAO-Adv. Co. Res./Lone Pine Film Festival Payment Moved by Supervisor Kingsley and seconded by Supervisor Pucci to authorize final payment for the completed Community Project Sponsorship Grant Projects as follows: \$3,500 to the Southern Inyo Community Foundation for the 2012 Lone Pine Film Festival; and \$464.94 to the Bishop Museum and Historical Society – Laws Museum for the 2012 Good Ole Days event. Both are 2012-13 Community Project Sponsorship Grant projects funded from the 2012-2013 Advertising County Resources Budget Unit 011400. Motion carried unanimously.

Integ. Waste/RCRC-ESJPA Delegate Moved by Supervisor Kingsley and seconded by Supervisor Pucci to appoint Mr. Scott Eagan as the Alternate Delegate/Technical Liaison to the Regional Council of Rural counties – Environmental Services Joint Powers Authority (RCRC-ESJPA) and authorize the County Administrator to sign the letter notifying the RCRC-ESJPA of the appointment. Motion carried unanimously.

HHS-EMS/Red Cross MOU Moved by Supervisor Kingsley and seconded by Supervisor Pucci to approve the Memorandum of Understanding (MOU) between the County of Inyo and the American Red Cross Los Angeles Region for the purpose of defining a framework for cooperation between the two organization in providing trained personnel to the Red Cross shelter during the even of a catastrophic disaster in the area, for the period of March 12, 2013 to June 30, 2015, and authorize the Chairperson to sign. Motion carried unanimously.

P.W./Fillmore Property Lease Moved by Supervisor Kingsley and seconded by Supervisor Pucci to approve the Lease Agreement between the County of Inyo and Timothy and Allison Fillmore for the rental of property described as 568A West Line Street, Bishop, California, for an initial two year period, beginning April 1, 2013 through March 31, 2015, at the rate of \$1,400 per month with three one year extension options with a maximum allowed annual increase of 2% for each of the options exercised by the County, 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.

P.W./S. Barlow Right of Way Moved by Supervisor Kingsley and seconded by Supervisor Pucci to accept the offer of dedication of a variable right-of-way of South Barlow Lane and request Board approval of Parcel Map No. 402. Motion carried unanimously.

P.W./Rock Creek Rd. Improvement Moved by Supervisor Kingsley and seconded by Supervisor Pucci to approve the County's participation in the Federal Highway Administration's (FHWA's) Federal Lands Access Program (FLAP) Rock Creek Road Improvement Project and authorize the acting Public Works Director to sign the Project Agreement dated June 4, 2012 and the amendment to the Project Agreement dated February 5, 2013 that recognizes the funding changes associated with the new Moving Ahead for Progress in the 21st Century (Map-21) Act. Motion carried unanimously.

Closed Session The Chairperson recessed open session at 9:15 a.m., to convene in closed session, with all Board Members present, to discuss and take action as appropriate on Agenda Item No. 26. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code § 54956.9(d)(1)] - Application for Certification for the HIDDEN HILLS SOLAR ELECTRIC GENERATING SYSTEM** - Before the Energy Resources Conservation and Development Commission of the State of California Docket No. 11-AFC-02 (Bright Source). The Chairperson recessed closed session at 11:05 a.m.

Report on Closed Session The Chairperson reconvened in open session at 11:10 a.m., with all Board Members present 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.

CAO-Bright Source Agreement The County Administrator provided additional information and further explanation regarding the proposed agreement with BrightSource Energy on the Hidden Hills solar electric generating system. Mr. Carunchio explained that the County is guaranteed \$15,000,000 over the life of the project. The individual Board Members addressed the agreement, with the consensus being that it is better for the parties to resolve the matter rather than leaving it to the CEC. Moved by Supervisor Pucci and seconded by Supervisor Tillemans to approve the Agreement between the County of Inyo and BrightSource Energy regarding the Hidden Hills Solar Electric Generating System Project; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.

Recess/Reconvene The Chairperson recessed the regular meeting at 11:40 a.m., to reconvene in open session at 11:50 a.m., with all Board Members present.

Parks/Mammoth to Bishop Fun Run The organizer of the Mammoth 2 Bishop Fun Bike Ride, Mr. Lloyd Cearley, provided additional information on the event. He said that this bike ride and music festival was being planned to help generate the economy during the shoulder season between winter and summer events in the Bishop and Mammoth areas. He talked about the event schedule and said that he plans on having buses to take the riders back to Mammoth at the end of the event. Supervisor Arcularius said that she would be looking for the benefit to Inyo County since the request was to close one of our County Parks. Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to authorize the closure of Millpond Recreation Area June 15, 2013 for the Mammoth 2 Bishop Fun Bike Ride event. Motion carried unanimously.

CAO/Photovoltaic Electric Project for County The Board heard from the Deputy Public Works Director and Dr. Rick Brown of Terra Verde regarding the proposed photovoltaic electric system project proposed for the County's Independence campus. The Board, Dr. Brown and staff discussed the proposed financing, and the changes in the original proposal for the project. Ms. Leslie Chapman, Auditor-Controller addressed the cash flow for the loan.

Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to direct staff to proceed with the financing and installation of the photovoltaic electric system project proposed for the County's Independence campus, including: A) reviewing and approving the revised cash flow analysis evaluating the cost of the re-sized photovoltaic system related to the terms of the California Energy Commission (CEC) loan, anticipated energy cost-savings associated with the project, and the availability of rebates from the Los Angeles Department of Water & Power (LADWP); B) approving an amendment to the Solar Purchase and Installation Agreement reflecting the refined and downsized photovoltaic system design, and assurances that Solar City will complete the project in time for the LADWP rebate to be fully disbursed by the deadline; C) authorizing the County Administrator to proceed with signing loan documents with the California Energy Commission for a \$992,054 15-year loan, at one percent (1%) annual interest; d) amending the FY 2012-2013 Deferred Maintenance Budget Unit 011501 as follows: increase estimated revenue in Loan Proceeds (Revenue Object Code #4990) by \$992,054 and DWP Contribution (Revenue Object Code #4563) by \$889,919 and increase appropriations in Construction in Progress (Object Code #5700) by \$1,881,973 (4/5's vote required); and E) authorizing the use of a treasury loan or loan from reserves, to be approved at a future Board meeting, if determined to be necessary to bridge expenses the County incurs in installing the photovoltaic system until the County receives its CEC loan proceeds and rebates from the Los Angeles Department of Water and Power Solar Incentive Program. Motion carried unanimously.

BofS/ICDBG Applic. For L.P. Reservation Moved by Supervisor Kingsley and seconded by Supervisor Pucci to approve a letter supporting the Lone Pine Indian Reservation's Community Development Block Grant Application (ICDBG) for funds to improve the water system on the Reservation; and authorize the Chairperson to sign. Motion carried unanimously.

County Counsel/ James Contract Amendment Moved by Supervisor Pucci and seconded by Supervisor Tillemans to approve Amendment #2 to Inyo County contract with Gregory L. James, for the provision of Water/Environmental Attorney Services for the County of Inyo, increasing the contract amount by \$40,000, for a total contract amount not to exceed \$99,450, and authorize the Chairperson to sign, contingent upon appropriate signatures being obtained. Motion carried unanimously.

Emerg. Serv./ Roadeater Emerg. Continued The County Administrator recommended that the Board continue the Roadeater Emergency. Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to continue 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.

HHS-First Five Comm./County Library Project Funding Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to A) amend the FY 2012-2013 First Five Commission Budget Unit 643000 by increasing appropriations in Other Agency Contributions (Object Code #5539) by \$10,000 and decrease appropriations in Professional Services (Object Code #5265) by \$10,000; and B) authorize payment in the amount of \$10,000 to the Inyo County Library for the purchase of parenting and early childhood development resources; and C) approve the use of unanticipated revenue and amend the FY 2012-2013 County Library Budget Unit 066700 by increasing estimated revenue in Donations (Revenue Object Code #4951) by \$10,000 and increase appropriations in Library Books and Subscriptions (Object Code #5325) by \$10,000. Motion carried unanimously.

P.W./Position Request Moved by Supervisor Kingsley and seconded by Supervisor Pucci to A) change the authorized strength within the Public Works/Road Department by deleting one full-time Fiscal Supervisor, Range 67(\$3,852-\$4,676) and adding one full-time Management Analyst or Senior Management Analyst, depending upon qualifications; and B) find that consistent with the adopted Authorized Position Review Policy: (a) the availability of funding for the position of Management Analyst or Senior Management Analyst exists as certified by the Public Works Director/Road Commissioner and concurred with by the County Administrator and Auditor-Controller; (b) and where if the County was facing layoffs, the position could be filled by internal candidates meeting the qualifications for the position, but since no layoffs are pending, an open recruitment would be appropriate to ensure qualified applicants apply; and (c) approve the hiring of one Management Analyst, Range 74 (\$4,547-\$5,526) or Senior Management Analyst Range 76 (\$4,768 - \$5,796) depending on qualified applicants. Motion carried unanimously.

P.W./Position request	Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the requested position comes from the Public Works Budget, as certified by the Interim Public Works Director, and concurred with by the County Administrator and the Auditor-Controller; B) where if the County was facing layoffs, the position could be filled by internal candidates meeting the qualifications for the position, but since no layoffs are pending, an open recruitment would be appropriate to ensure qualified applicants apply; and C) approve the hiring of one Engineering Assistant I at Range 71 (\$4,234 - \$5,147). Motion carried unanimously.
Resol. #2013-12/ Off-Highway Vehicle Grant	The Interim Public Works Director, provided additional information and further justification for the application for an Off-Highway Vehicle Grant, and amended the amount of the application to \$360,000. On a motion by Supervisor Pucci and a second by Supervisor Tillemans, Resolution No. 2013-12 titled "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Authorizing the Submittal of the State of California, Department of Parks and Recreation, Off-Highway Vehicle Grant Application," was approved as amended: motion unanimously passed and adopted.
P.W./Core Property Lease	Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to ratify the Lease Agreement between the County of Inyo and Jerry M. and Deborah Ann Core, Trustees for the Core Trust dated October 5, 1993 and Mary J. Core, Successor Trustee of the Core Trust dated September 20, 1990 for the rental of property described as 230 West Line Street, Bishop, California, for an initial two year period, beginning March 1, 2013 through February 28, 2015, at the rate of \$3,000 per month with three one year extension options with a maximum allowed annual increase of 2% for each of the options exercised by the County, 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.
Rd. Dept./Position Request	Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to A) change the authorized strength by deleting one full-time equipment Operator I, position at Range 58 (\$3,119 - \$3,795) and adding one full-time Heavy Equipment Mechanic Series I through II, at Ranges 58 through 60 (\$3,119 - \$3,973 plus 2.5% tool allowance); and B) find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for a Heavy Equipment Mechanic position exists, as certified by the Interim Public Works Director and concurred with by the County Administrator and Auditor-Controller; B) and where if the County was facing layoffs, the position could be filled by internal candidates meeting the qualifications for the position, but since no layoffs are pending, an open recruitment would be appropriate to ensure qualified applicants apply; and C) approve the hiring of one full-time Heavy Equipment Mechanic I at Range 58 or II at Range 60, and authorize to hire at the E stop depending on qualifications. Motion carried unanimously.
Resol. #2013-13/ IRWMP Fiscal Agent	On a motion by Supervisor Pucci and a second by Supervisor Griffiths, Resolution No. 2013-13 titled "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Authorizing Inyo County to Act as Grantee for Proposition 84 Round Two Implementation Funding for Grant Funds From the State of California Department of Water Resources and Authorizing the Director of the Inyo County Water Department to Act as Project Director," was approved: motion unanimously passed and adopted.
BofS/Minute Approval	Moved by Supervisor Kingsley and seconded by Supervisor Pucci to approve the minutes of the February 12, 2013, February 19, 2013, and February 26, 2013. Motion carried unanimously.
CAO-Southern California Edison Franchise	The Chairperson opened the public hearing at 12:52 p.m., on a proposed ordinance titled "An Ordinance Of The Board Of Supervisors Of The County Of Inyo, State Of California, Repealing Inyo County Ordinance 100, And Granting To Southern California Edison Company, A California Corporation, Its Successors And Assigns, The Right, Privilege And A Franchise To Use And To Construct Poles, Wires, Conduits, And Appurtenances, Including Communication Conduits Necessary Or Proper Therefor, In, Along, Across, Upon, Over, And Under The Public Streets, Ways, Alleys, And Places, As They May Now Or Hereafter Exist, Within The County Of Inyo, For The Purpose Of Transmitting And Distributing Electricity For All Purposes As Authorized Under This Franchise." The County Administrator reviewed the staff report and recommendation to grant the Franchise. There was no one from the public wishing to address this issue. The Chairperson closed the public hearing at 12:55 p.m. Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to waive the first reading of the ordinance and schedule the enactment for 11:00 a.m., Tuesday, March 19, 2013 in the Board of Supervisors Room, at the County Administrative Center, in Independence. Motion carried unanimously.

Recess/
Reconvene The Chairperson recessed the regular meeting at 12:58 p.m., to reconvene in closed session at 1:20 p.m., with all Board Members present.

Closed Session The Board convened in closed session to discuss and take action as appropriate on Agenda Items No. 27. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code § 54956.9(d)(1)]** - Crystal Allen, an individual v. County of Inyo, a governmental entity; and DOES 1-50, Inyo County Superior Court Case No. SICVCV13-54820; No. 28. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code § 54956.9(d)(1)]** - *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. 29. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION [Pursuant to Government Code § 54956.9(d)(2)]**. – *Significant Exposure to Potential Litigation* (one case); No. 30. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code § 54957.6]**. - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Deputy Sheriff’s Association (DSA) - Negotiators: Labor Relations Administrator, Sue Dishion, Information Services Director, Brandon Shults, and Planning Director Josh Hart; No. 31. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code § 54957.6]**. Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Elected Officials Assistant Association (EOAA) - Negotiators: Chief Probation Officer Jeff Thomson and Labor Relations Administrator Sue Dishion; 32. **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. 33. **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 Child Support Services Susanne Rizo, and Chief Probation Officer Jeff Thomson; No. 34. **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. 35. **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 3:25 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 3:25 p.m., to 9:00 a.m., Tuesday, March 19, 2013 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