

# MINUTES

# County of Inyo Board of Supervisors

## April 2, 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 Tuesday, April 2, 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 Tillemans 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. Kammi Foote, Clerk-Recorder, informed the Board about SB391 that will increase document fees by \$75. Ms. Foote said that she would be bringing back an item for the Board to take official action to oppose this legislation. The Chairperson asked Ms. Foote to get a copy of the County's Legislative Platform from the Assistant Clerk to see if there might be a way to expedite the opposition letter. Dr. Bob Harrington, Water Director, provided the Board with a copy of the precipitation estimates from the DWP website and updated the Board on what the estimates might mean. Dr. Harrington said that this could be the lowest runoff since 1932 which was at 52%. Dr. Harrington also reminded the Board that DWP's Annual Operations Plan is due by April 20, 2013 and that the County must respond to the Plan by April 30, 2013. Dr. Harrington continued to brief the Board on potential impacts of low water flows this year. Mr. George Milovich, Acting Agricultural Commissioner, reported on the Unrefunded Gas Tax. The Planning Director, Mr. Josh Hart, provided an update on the General Plan revision. Mr. Randy Keller, County Counsel, provided information regarding business emails that are received on personal computers, saying that these documents are considered official emails and are subject to release to the public.
- CAO-Dev. Dis. Area Board/ Appointment      Moved by Supervisor Kingsley and seconded by Supervisor Pucci to appoint Ms. Lauren Viduya to the Developmental Disabilities Area Board #12 to complete an unexpired three-year term ending December 31, 2015. Motion carried unanimously.
- Motor Pool/P.O. to Equip Safety Vehicles      Moved by Supervisor Kingsley and seconded by Supervisor Pucci to award the bid for and authorize the purchase of safety and communications equipping three 2011 Crown Victoria patrol vehicles from Woodcrest Vehicle Center of Riverside, in an amount not to exceed \$23,755.53. Motion carried unanimously.
- Motor Pool/ Disposition of Surplus Vehicles & Equipment      Moved by Supervisor Kingsley and seconded by Supervisor Pucci to A) declare the vehicles and equipment recommended by Staff as surplus; B) authorize Motor Pool to offer the vehicles and equipment for sale utilizing the sealed bid process; C) authorize Motor Pool to utilize General Auction Company located in Buena Park, CA for the removal and sale of any remaining County owned surplus vehicles and equipment; and D) authorize the County Administrator to execute the consignment agreement for the sale of the vehicles and equipment through the auction process. Motion carried unanimously.
- CAO-Adv. Co. Resc./D.V. Chamber Project Funding      Moved by Supervisor Kingsley and seconded by Supervisor Pucci to authorize final payment of \$1,500 to the Death Valley Chamber of Commerce for the 2013 Community Project Sponsorship Grant Project, The 2012 Furnace Creek Visitor Center Grand Re-Opening and appearance of the Borax 20-Mule Team. Motion carried unanimously.
- Resol. #2013-15/ Landfill Fee Waiver Indy Clean Up      On a motion by Supervisor Tillemans and a second by Supervisor Griffiths, Resolution No. 2013-15 approval of a resolution titled "A Resolution of the Board of Supervisors, County of Inyo, State of California, Waiving Solid Waste Disposal and Gate Fees at the Independence Landfill for Solid Waste on Saturday April 20, 2013 and Sunday April 21, 2013, to facilitate the Independence Civic Club Town of Independence Spring Clean Up Event: motion unanimously passed and adopted.

P.W./Reject Bids Shoshone Modular	Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to reject all bids received for the Shoshone Modular Buildings Improvement Project. Motion carried unanimously.
Resol. #2013-16/ Force Acct. Shoshone Modular	On a motion by Supervisor Griffiths and a second by Supervisor Kingsley, Resolution No. 2013-16 was approved declaring that the work on the Shoshone Modular Building Improvement Project can be performed more economically by force account contract: motion unanimously passed and adopted.
P.W./Shoshone Modular Bldgs. Force Account Contract	Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to authorize the Interim Public Works Director to negotiate a time and materials contract with a contractor and sign the Contract, contingent upon the appropriate signatures being obtained; and authorize the Interim Public Works Director to sign all other Contract documents, including changes orders, to the extent permitted pursuant to Section 20142 of the Public contract code and other applicable law, not to exceed \$27,975. Motion carried unanimously.
Sheriff/COPS Funding	The Chairperson opened the public hearing at 9:44 a.m., to take input regarding the intended uses for the "Citizen's Option for Public Safety" (COPS) monies during FY 2012-13. Sheriff Lutze recommended the Board approve the Department's proposed uses of the COPS funds. There was no one from the audience wishing to address this issue. The Chairperson closed the public hearing at 9:45 a.m. Moved by Supervisor Pucci and seconded by Supervisor Kingsley to accept and approve the use of COPS monies for equipment and programs that are necessary to support the needs of frontline law enforcement. Motion carried unanimously.
Sherriff/Equipment Purchases Authorization	Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to A) declare Interview Room Systems LLC a sole-source provider of interview room video systems and authorize the purchase of an interview room video system for the Bishop Substation from Interview Room Systems LLC in an amount not to exceed \$5,391.80; B) declare Proforce Law Enforcement a sole-source provider of taser equipment and authorize the purchase of 5 tasers and cartridges for each substation, the Jail, and for replacement from Proforce Law Enforcement in an amount not to exceed \$5,542.24; C) declare Digital Ally a sole-source provider of video and audio storage equipment and authorize the purchase of a "Patrol Car Camera Vu Vault Server" based system for video and audio storage from Digital Ally in an amount not to exceed \$8,011.20; D) declare Dell a sole-source provider of support for file servers and approve the purchase of extended support contracts for RIMS and file servers from Dell in an amount not to exceed \$4,392.06; E) declare Insight Public Sector a sole-source provider of licensing software and authorize the purchase of 50 additional Adobe Acrobat XI standard licenses and 4 Adobe Acrobat XI Pro Licenses from Insight Public Sector in an amount not to exceed \$11,542.06; F) declare American Aluminum ACC, Inc., a sole-source provider of K-9 equipment and authorize the purchase of one E/Z Rider K-9 insert for a patrol unit from American Aluminum in an amount not to exceed \$2,634.60; G) authorize the following purchases from Adamson Police Products; 6 each Maxpedition carrying bags for rugged computers in an amount not to exceed \$1,238.58; 5 each Pelican notebook cases for protection of satellite phones in an amount not to exceed \$882.94; 2 each ballistic vests for correctional officers in an amount not to exceed \$1,487.60; and 144 each lithium flash light batteries in an amount not to exceed \$276.05; H) authorize the purchase of 35 each LED flashlights from Proforce Law Enforcement in an amount not to exceed \$2,253.26; I) authorize the purchase of 50 each back-up tapes and 5 each cleaning cartridges from GovConnection in an amount not to exceed \$1,804.04; J) authorize the purchase of 12 each training/conference tables from Keller Group in an amount not to exceed \$2,812.32; K) authorize the purchase of various items to be determined in accordance with the purchasing policy in an amount up to \$6,000; and L) amend the FY 2012-13 Sheriff's General Budget Unit 022700 by increasing estimated revenue in Citizens Options Public Safety Revenue ( <i>Revenue Code #4488</i> ) by \$54,273; and increasing appropriations in Personal & Safety Equipment ( <i>Object Code #5112</i> ) by \$1,488, Office and Other Equipment ( <i>Object code #5232</i> ) by \$7,188, Professional & Special Service ( <i>Object Code #5265</i> ) by \$4,393, General Operating ( <i>Object Code #5311</i> ) by \$13,623, Law Enforcement Special ( <i>Object Code #5313</i> ) by \$11,543, and Equipment ( <i>Object Code #5650</i> ) by \$16,030. Motion carried unanimously.
Water/Budget Amendment	Moved by Supervisor Kingsley and seconded by Supervisor Pucci to amend the FY 2012-13 Water Budget Unit 024102, by increasing appropriations in Operating Transfers Out ( <i>Object Code #5801</i> ) to \$170,000; and the Public Works Budget Unit 011501 by increasing Operating Transfers In ( <i>Revenue Code #4998</i> ) to \$170,000 and increasing appropriations in Structures & Improvements ( <i>Object Code #5640</i> ) to \$170,000. Motion carried unanimously.

Recess/ Reconvene	The Chairperson recessed the regular meeting at 10:00 a.m., to reconvene in open session at 10:07 a.m., with all Board Members present.
LADWP/Owens Lake Master Plan Update	Mr. Martin Adams, Director of Water Operations for the City of Los Angeles Department of Water Power, provided the Board of Supervisors with an update regarding the Owens Lake Master Plan process. Mr. Adams recapped the Master Plan issues and discussed the Department's plans for moving forward with a Plan in the future. Mr. Adams talked about the various dust control measures that have been accomplished on the lake thus far, how much water is used for those measures, the need to conserve the water resources for various reasons including in-valley uses, the impact of drought conditions, habitat protection, cultural artifacts and resources protections, and why the Department decided to develop and introduce its own Plan for the Owens Lake utilizing much of the information developed by the Owens Lake Master Planning Committee. The Board and Mr. Adams discussed the plans for the Lake in detail and at length. Mr. Philip Anaya, Bishop Resident and DWP Rate Payer, questioned the Department's concern with water export instead of for local habitat. Mr. Scott Kemp, Independence Resident, expressed his concern with valuable water resources being used on the Owens Lake instead of on agricultural lands, Mr. Tom Noland, Representing the Cattlemen's Association, shared the concerns identified by Mr. Kemp and encouraged finding non-water use dust mitigation measures in order to preserve water resources in the Valley. Mr. George Milovich, Acting Agricultural Commissioner, expressed his concern for the vitality of the County's agricultural resources in light of dire drought predictions, encouraged water conservation and likened the situation at the Owens Lake as "protecting the nut while you let the tree die" saying that the whole Valley is being sacrificed for the dry lakebed which he believes is counter productive. Mr. Mark Lacey, also questioned the use of vital water resources being used on the lakebed. Ms. Nina Weisman, Independence Resident, cautioned the Board to make sure that the things they are being told by DWP are factual and accurate. Ms. Nancy Masters, Representing the Owens Valley Committee, addressed concerns with the Planning Committee being left out of the development of the Plan being proposed by DWP, and suggested that DWP should have sufficient water for the lake, as well as all of the in valley uses needed if only 20% of the aqueduct water is being used on the lake. Mr. Sam Wasson, Keeler Resident, expressed his concern with ongoing efforts to use water on the lake instead of protecting the Valley's resources. Mr. Wasson also noted that he believes the dust control measures have been successful because he is not seeing as much dust. The Board Members added their personal comments, which included a recognition of the importance of conserving water, the need to make sure that water savings are shared for in-valley uses, and that the Department needs to work on building trust with the people of Inyo County, and with the Planning Committee where possible to develop the Plan further.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 12:12 p.m., to reconvene in open session at 1:05 p.m., with all Board Members present.
Planning/CDBG Grant Applications	The Chairperson opened the public hearing at 1:05 p.m., on the 2013 CDBG Notice of Funding Availability (NOFA). The Board received a presentation from staff on the general projects that were discussed at the February 26, 2013 public hearing and how they do/do not qualify for CDBG funding. The Board went on to review the new projects being proposed for CDBG funding in light of previous projects that did not qualify. The Board and Ms. Pam Hennarty talked about the Homeownership Assistance Program in detail, including reiteration of some of the impacts this type of program might have on the County, as well as discussing the stability of Mammoth Lakes Housing currently and in the future. Supervisor Pucci expressed a desire to see Inyo County residents benefit from the CDBG funding that is available rather than not use the opportunity to utilize the funding and see it go to some other county. Supervisor Griffiths said that the City of Bishop has successfully participated in this program which he feels could be beneficial to the County's residents. Mr. Jim Tatum, Deputy Public Works Director, reviewed the new projects being proposed for CDBG funding. The Chairperson closed the public hearing at 1:30 p.m. The Board discussed the Homeownership Assistance Program, including how to exclude this from the projects listed in the ordinance.  Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to eliminate the Homeownership Assistance Program in the amount of \$600,000 from the resolution approving the CDBG Grant applications. Motion carried on a three-to-two vote with Supervisors Arcularius, Tillemans and Kingsley voting yes and with Supervisors Griffiths and Pucci voting no.

Resol. #2013-17/ CDBG Grant Application	On a motion by Supervisor Pucci and a second by Supervisor Griffiths, Resolution #2013-17, titled "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Approving an Application for Funding and the Execution of a Grant Agreement and Any Amendments Thereto from the \$2,000,000 Allocation of the State CDBG Program," as amended to delete the Homeownership Assistance Program, is approved: motion unanimously passed and adopted.
BofS/Concepts for New County Animal Shelter	The Board received a presentation from Supervisor Arcularius, Sheriff Lutz and Public Works staff on concepts for a new County Animal Shelter. Several versions of conceptual drawings for a new shelter, with corresponding costs were presented and discussed by the Board, Staff and Mr. Ted Shade, representing ICARE. During the discussion the Sheriff confirmed that he has identified \$175,000 (\$150,000 from an anonymous donor and \$25,000 from fines) to put towards the new shelter. Mr. Shade, introduced his wife Lisa, also representing ICARE, and Ms. Julie Sutton-Laughon the Inyo County Animal Shelter Manager, who were present to support the building of a new County Animal Shelter. Mr. Shade committed ICARE to donating \$100,000 to the new shelter and recommended that the Board consider the largest and highest priced version of the Shelter designs as the goal. The Board, Staff and Mr. Shade discussed fund raising alternatives. The Board expressed a desire to have staff move forward with the development of a project to build a new County Animal Shelter for the Board's consideration at a future date.
Resol. #2013-18/ CEC Renewable Energ. Planning Grant Application	Mr. Josh Hart, Planning Director, reviewed the draft Proposal in Response to the California Energy Commission's request for Proposals for Renewal Energy and Conservation Planning Grants. The Board and Mr. Hart discussed the proposal in detail and at length, including the amount of money the County should apply for. On a motion by Supervisor Griffiths and a second by Supervisor Kingsley, Resolution #2013-18 was approved authorizing the Planning Director to Submit a Proposal in the amount of \$700,000: motion unanimously passed and adopted.
BofS/Local Small Business Preference Ordinance	Mr. Dale Comontofski of Preferred Septic and Disposal, reviewed the reasons he was requesting the Board consider changes to the Inyo County's Local/Small Business Preference Ordinance – Chapter 6.06 of the Inyo County Code. Mr. Comontofski explained that he believes the ordinance does not really give local small businesses an advantage since most local companies no matter how big qualify for the preference. The Board, Staff, and Mr. Comontofski discussed the ordinance in detail and at length, including (a) that the local small business preference was developed to even the field when local small vendors were bidding against vendors from outside of the county not necessarily to give local small vendors an advantage when competing with other local vendors, (b) the intent of the ordinance when the discount rate was initially discussed; (c) concerns with reopening discussions on the rate in that the rate could be reduced; and (d) the effect of the discount rate on the cost of the County's services and supplies. Mr. Comontofski concurred and indicated that he was not interested in reducing the benefit of the ordinance as a result of this discussion. The Board thanked Mr. Comontofski and asked staff to track this issue and if a need arises in the future for the Board to consider changes to the ordinance to bring an item back for Board consideration at that time.
Board Members and Staff Reports	Because of the need for a Board Member to travel to Sacramento, the Board Members kept their reports short, including reporting on a meeting with Assemblywomen Conway's Representative Jeff Stoner, a RAN Meeting, a LAFCO Meeting, a CSAC Board of Directors Meeting, and a thank you to staff on the clean up of Baker Ponds from Supervisor Tillemans.
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 4:10 p.m., to convene in closed session, with all Board Members present to discuss and take action as appropriate on Agenda Items No. 18. <b>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.</b> Inyo County Superior Court Case No. 12908; Blackrock 94 Dispute Resolution; No. 19. <b>CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(d)(1)] - Sprint Telephony PCS, LP et al., v. State Board of Equalization et al., San Francisco Superior Court Case No. CGC-11-511398;</b> No. 20. <b>CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(d)(1)] – Owens Valley Committee v. County of Inyo; Inyo County Board of Supervisors, et al; CG Roxanne, LLC and Does 21 through 100,</b> Inyo County Superior Court Case No. SICVPT 1354991; No. 21. <b>CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(a)] – Jesse Edwin Jason v. County of Inyo, Unfair Practice Charge No.</b>

SA-CE-814-M; Item No. 22. **PERSONNEL [Pursuant to Government Code §54957]**. Public Employee Appointment – Title - County Counsel, was pulled from consideration; No. 23. **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. 24. **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: Information Services Director Brandon Shults, and Labor Relations Administrator Sue Dishion; No. 25. **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: Information Services Director Brandon Shults, and Labor Relations Administrator Sue Dishion; No. 26. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: ICEA - Negotiators: Information Services Director Brandon Shults, and Labor Relations Administrator Sue Dishion; No. 27. **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: Information Services Director Brandon Shults, Chief Probation Officer Jeff Thomson, and Labor Relations Administrator Sue Dishion; and No. 28. **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: Information Services Director Brandon Shults, and Labor Relations Administrator Sue Dishion.

Report on Closed Session

The Chairperson recessed closed session at 6:15 p.m. to reconvene in open session to receive a report on closed session. County Counsel reported with regard to Agenda Item No. 20. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(d)(1)]** – *Owens Valley Committee v. County of Inyo; Inyo County Board of Supervisors, et al; CG Roxanne, LLC and Does 21 through 100*, Inyo County Superior Court Case No. SICVPT 135499; concerning the decision by the Inyo County Board of supervisors to approve the Crystal Geyser Roxanne Cabin Bar Ranch Water bottling Plant Project (General Plan Amendment No. 2010-01, Zone Reclassification No. 2012-02, Reversion of Acreage No. 2010-01, Conditional Use Permit No. 2010-03), the Board in a unanimous vote, with Supervisor Arcularius, Griffiths, Pucci, Tillemans and Kingsley voting yes, authorized the County Counsel to defend the County in the matter.

Adjournment

The Chairperson adjourned the regular meeting at 6:15 a.m., to Tuesday, April 16, 2013, in the Board of Supervisors Room, at the County Administrative Center, in Independence.

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Chairperson, Inyo County Board of Supervisor

Attest: *KEVIN D. CARUNCHIO*  
*Clerk of the Board*

by: \_\_\_\_\_  
*Patricia Gunsolley, Assistant*