



County of Inyo Board of Supervisors

June 11, 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, June 11, 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. Mr. Randy Keller, County Counsel, 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. Jean Turner, Director of Health and Human Services, informed the Board that based on reports coming out of Sacramento this week, it looks like the County's local realignment funds are going to be protected from State budget actions. Mr. Doug Wilson, Interim Public Works Director, informed the Board that the County has received notification that the Eastern Sierra Regional Airport name change has been accepted and it is now the Bishop Airport. Supervisor Kingsley told the Board that there was still interest in changing the name of the Lone Pine Airport and he would be bringing that discussion back to the Board in the future. The County Administrator notified the Board that PILT has been refunded for the upcoming year and the County will probably have a 5% cut in its funding because of sequestration.

P.W./NPS Radio Repeater Authorization Moved by Supervisor Griffiths and seconded by Supervisor Pucci to authorize the submittal of a facility application to the National Park Service for permissions for the Inyo County Rodger Peak EMS, Road Department and Sheriff's Department Radio Repeaters; and authorize the Chairperson to sign. Motion carried unanimously.

P.W./Lone Pine Sheriff's Station Installation Contract Amendment Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve Amendment No. 1 to the Contract between the County of Inyo and RE Com Development Company, for the installation of the addition to the Lone Pine Sheriff's Substation, increasing the amount of the Contract by \$25,000 for a total amount not to exceed \$124,619, contingent upon the Board's adoption of a FY 2013-14 budget; authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained; and authorize the Public Works Director to sign all other contract documents, including change orders, to the extent permitted pursuant to Section 20142 of the Public Contract Code. Motion carried unanimously.

P.W./Wadell Engineering Contract Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve the Contract between County of Inyo and Wadell Engineering Corporation (WEC) for on-call airport engineering services in the amount of \$0 for the period of June 18, 2013 through December 30, 2018, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign, contingent the appropriate signatures being obtained and upon the Federal Aviation Administration's (FAA's) approval of an Independent Fee Estimate. Motion carried unanimously.

HHS-HIV-AIDS/State Assistance Program Contract Moved by Supervisor Kingsley and seconded by Supervisor Pucci to ratify and approve the Agreement between the County of Inyo and California Department of Public Health, Office of AIDS for the AIDS Drug Assistance Program in the amount of \$6,000 for the period of July 1, 2012 through June 30, 2015, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign the Agreement, the Certificate of Lobbying, Darfur Contracting Act Certification, and the Contractor Certification Clauses. Motion carried unanimously.

Planning/Forest Plan Update and Critical Habitat Designation for Yellow-legged Frog and Yosemite Toad

Mr. Josh Hart, Planning Director reviewed the coordination activities with the Inyo National Forest regarding the Update/Revision to the Forest Plan. He informed the Board that the Forest Service has assigned the MOA to an attorney. Mr. Hart went on to explain that there is some concern from the County's standpoint with the process. He said that the topic papers were supposed to be reviewed by the County before they were made public, but because the forest service is being driven by their schedule the papers were not provided in sufficient time for the County to provide appropriate comments. He said that they are looking at other options to make the process work better. Mr. Carunchio, the County Administrator, commented on the timelines and schedules, asking if the reason for the problems is because the MOA is not in place or because the document appendix does not provide enough lead time to accomplish what is being done. He suggested that if Attachment A is not fundamentally workable, perhaps time should be spent stretching out the time lines. Mr. Hart explained that it was noted by Mr. Armenta that the MOA has not been executed. The Board expressed concern with delays to the MOA approval process and the impacts on the timelines for the County's input as a result of the delays. The Board also expressed their concern that because of delays the County is once again being relegated to the position of "the public" in responding to many of the issues relative to the Revision/Update.

Mr. Hart went on to talk specifically about the topic papers, telling the Board that the comment period has been extended to September 1. He said that in anticipation of responding to the papers, staff had been collecting input from the Planning Commission and the Natural Resources Committee. Mr. Hart reviewed each of the entities discussions which included PILT, coordination, the frog and toad critical habitat designation and the impacts on fishing and packing, how eliminating the trout in the lakes will destroy the backcountry recreation, and the need to get the local resort owners involved, socio-economic impacts, mining, inconsistent application of mitigation, and Owens Lake dust impacts on forest air quality. The Board and staff discussed public outreach and the degree with which the County should be involved and how the information garnered from the public could be incorporated in the critical habitat designation discussions, the planning efforts, and a myriad of other topics on which the County coordinates, developing summary papers to break down and explain the issues being discussed in a more understandable format, and concern and how to deal with the level of computer generated communications that respond to comment notifications and the weight those communications are given vs. those provided by the County on behalf of its residents.

The discussion moved on to the Bioregional Assessment, with Mr. Hart providing a revised copy of the draft correspondence for the Board's review. Mr. Hart noted the changes, including references to the Healthy Forest Act, a discussion about the Multiple Use Sustained Yield Act, that the assessment did not address the statewide, region wide and local planning for the topics being addressed, expanded references to search and rescue, and that smoke impacts are addressed. The Board and staff discussed the correspondence in detail and at length, including permitting for transmission for renewable energy, inclusion of a socio-economic assessment, relaxing of permitting and quotas for guided uses on the forest, sustainable recreation, substantiated scientific findings, the NEPA process for forest use permits, the benefits of the uses like grazing on the habitat, protecting the habitat from fire loads, and the need to preface every letter concerning the delays in executing the MOA that are resulting in timelines being missed and the County's input being relegated to that of a member of the public, until the MOA is finalized.

The Board and Mr. Hart went on to discuss in detail and at length the proposal by the U.S. Fish and Wildlife regarding the designation of habitat for the Yellow-legged Frog, the Northern Distinct Population Segment of the Yellow-legged Frog and the Yosemite Toad. The discussion included the boundaries being proposed, the impact of those boundaries on the County's economy, the need for scientific evidence that confirms the benefit of the designations in Inyo County, the request to have a public hearing or public meeting on the proposal, and the elimination of trout and its impact on back lake recreation. Mr. Ron Yribarren talked to the Board and shared his experiences with the U.S. Fish and Wildlife concerning his grazing lease in Coyote Canyon, wherein he had to prove that his grazing was not detrimental to the frogs and the toads which took many years. The Board heard from Mr. George Milovich, Acting Agricultural Commissioner, who talked about the impact to local ranching operations if grazing allotments are eliminated.

The Board and staff discussed inviting U.S. Fish and Wildlife to address the Board to discuss the proposal, with Mr. Carunchio suggesting a strategy on how to make the request of Fish and Wildlife, explaining that the request should be separate from the public process that the Service is required to conduct. He said the Board could request the staff come before the Board of Supervisors to engage in a dialog since staff will be here conducting the public process. Mr. Hart indicated that he would return next week with correspondence concerning the critical habitat that encompasses the Board's discussion.

Planning/Desert Tortoise Letter Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to approve the correspondence regarding the draft Recovery Action Plan and Recovery Implementation Teams for the Mojave Desert Tortoise and authorize the Chairperson and Supervisor Kingsley to sign. Motion carried unanimously.

County Counsel/ GBUAPCD Contract Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to approve the Agreement between the County of Inyo and Great Basin Unified Air Pollution Control District for the County Counsel's Office to provide certain legal services to the District during the period of July 1, 2013 through June 30, 2014 for the sum of \$12,500, contingent upon the Board's adoption of a FY 2013-14 budget; and authorize the Chairperson to sign. Motion carried unanimously.

CC-CAO/J. Kirby Contract Moved by Supervisor Tillemans and seconded by Supervisor Pucci to approve the Agreement between the County of Inyo and John D. Kirby, A.P.C., for the provision of litigation services for the period of July 1, 2013 through June 30, 2014 at the rate of \$180 per hour with a Contract limit of \$200,000, contingent upon the Board's adoption of a FY 2013-14 budget; and authorize the Chairperson to sign. Motion carried unanimously.

Emerg. Serv./ Roadeater Emergency 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.

Resol. #2013-26/ Purchasing Revolving Fund Increase On a motion by Supervisor Kingsley and a second by Supervisor Tillemans, Resolution No. 2013-26 titled "A Resolution of the Board of Supervisors, County of Inyo, State of California, Rescinding All Previous Resolutions Setting Forth Amounts for the Purchasing Revolving Fund and Increasing the Amount of the Existing Revolving Fund for Purchasing Agent Use," was approved: motion unanimously passed and adopted.

Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to amend the FY 2012-13 Purchasing Revolving Budget Unit 200300 by increasing revenue in Other Current Charges (*Revenue Code #4825*) by \$25,000 and increasing appropriations in General Operating (*Object Code #5311*) by \$25, 000. Motion carried unanimously.

BofS/Minute Approval Moved by Supervisor Tillemans and seconded by Supervisor Kingsley to approve the minutes of the Board of Supervisors Meetings of A) May 21, 2013 and B) May 28, 2013. Motion carried unanimously.

Board Members and Staff Reports The Board Members reported on their activities during the preceding week, including the High School Rodeo Final events, various constituent meetings, the Bishop City Council Meeting, a Big Pine Civic Club Meeting, and a legislative update.

CAO-Personnel/ Sheriff's Salary Increase Ordinance The Chairperson opened the public hearing at 11:30 a.m., on an Ordinance titled "An Ordinance of the Board of Supervisors, County of Inyo, State of California, Amending Section 2.88.040 of the Inyo County Code to Provide for Increases in the Salary for Certain Elected Officials, Excluding Members of the Board of Supervisors" which will increase the salary of the Sheriff to \$10,699 per month. There was no one from the public wishing to address this issue and the Chairperson closed the public hearing at 11:31 a.m. Moved by Supervisor Pucci and seconded by Supervisor Kingsley to waive the first reading of the ordinance and schedule the enactment for 11:30 a.m., Tuesday June 18, 2013 in the Board of Supervisors Room, at the County Administrative Center, in Independence. Motion carried unanimously.

Ag. Comm./O.V. Mosquito Program Assessments The Chairperson opened the public hearing at 11:33 a.m., on the proposed continuation of the assessments for the “Owens Valley Mosquito Abatement Program Assessment” and the “Mosquito Control and Disease Prevention Assessment” to receive public input on the proposed continuation of the assessments, the proposed assessment budget for Fiscal Year 2013/2014, the services and programs, the assessments fund, and any other issues related to the assessments. Mr. George Milovich introduced a representative of SCI, the consultants that help with the assessments, who reviewed the Staff report and identified the percentages and amounts of increases relating to the assessments. There was no one from the public wishing to address this issue and the Chairperson closed the public hearing at 11:40 a.m.

Resol. #2013-27/ Mosquito Program Assessments On a motion by Supervisor Pucci and a second by Supervisor Tillemans, Resolution No. 2013-27 was enacted, approving the Engineer’s Report, confirming the diagram and assessments for FY 2013-2014 for the “Owens Valley Mosquito Abatement Program Assessment” and the “Mosquito Control and Disease Prevention Assessment,” and ordering the services and levying the assessments for FY 2013-2014 for both programs. Motion carried unanimously.

Recess/ Reconvene The Chairperson announced that the Board would attend the swearing-in ceremony for Ms. Amy Shepherd, Inyo County Auditor Controller and recessed the regular meeting at 11:45 a.m., to reconvene in closed session at 1:00 p.m., with all Board Members present.

Closed Session The Board met in closed session to discuss and take action as appropriate on Agenda Items No. 18. **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; No. 19. **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, and Information Services Director Brandon Shults; and No. 20. **PERSONNEL [Pursuant to Government Code §54957].** Public Employee Evaluation – Title - County Administrative Officer. Supervisors Arcularius and Supervisor Kingsley left closed session at 2:30 p.m. The Chairperson recessed closed session at 3:20 p.m.

Report on Closed Session The Vice-Chairperson presiding as Chairperson recessed closed session at 3:20 p.m., to convene 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 3:20 p .m., to 9:00 a.m., Tuesday, June 18, 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