

# MINUTES

# County of Inyo Board of Supervisors

## Wednesday, November 12, 2014

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:30 a.m., on Wednesday (day after Veterans Day Holiday), in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Rick Pucci presiding, Linda Arcularius, Jeff Griffiths, Mark Tillemans and Matt Kingsley.

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| Pledge   | Supervisor Griffiths 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.  |
| Museum/MOU for Roof Rehab at Laws Museum Depot Building      | Moved by Supervisor Tillemans and seconded by Supervisor Arcularius to approve the Memorandum of Understanding between the Bishop Museum and Historical Society and the County of Inyo for the rehabilitation of the roof at the Law's Museum Depot Building; and authorize the County Administrator to sign. Motion carried unanimously.   |
| Library/Branches Holiday Closures                            | Moved by Supervisor Tillemans and seconded by Supervisor Arcularius to authorize the closure of the Bishop, Big Pine, Independence, and Lone Pine Library branches on Saturday, November 29, 2014, for the Thanksgiving Holiday. Motion carried unanimously.  |
| Motor Pool/Winnebago Surplused                               | Moved by Supervisor Tillemans and seconded by Supervisor Arcularius to A) declare a 1967 Winnebago as surplus; and B) authorize the Senior Deputy County Administrator to sign any documents to dispose of this vehicle. Motion carried unanimously.  |
| Parks/Truck Purchase   | Moved by Supervisor Tillemans and seconded by Supervisor Arcularius to authorize the purchase of a 2015 Ford F250 regular cab and chassis stake bed with lift from Bishop Ford in an amount not to exceed \$32,351.51. Motion carried unanimously.  |
| Integ. Waste/Forklift Purchase                               | Moved by Supervisor Tillemans and seconded by Supervisor Arcularius to authorize the purchase of a used forklift in an amount not to exceed \$18,000, from a vendor to be determined by the County Administrator, for use within the Recycling and Waste Management Program. Motion carried unanimously.  |
| Resol. #2015-52/Mt. Whitney Fish Hatchery Waiver of Fees     | On a motion by Supervisor Tillemans and a second by Supervisor Arcularius, Resolution No. 2015-52 was approved, authorizing the waiver of up to \$500 in disposal fees for the Friends of the Mt. Whitney Fish Hatchery for green waste disposal at the Independence Landfill once per month for green waste clean-up at the Mt. Whitney Fish Hatchery: motion unanimously passed and adopted.  |
| HHS-Behavioral Hlth. Serv./Drug Medi-Cal Provider Agreements | Moved by Supervisor Tillemans and seconded by Supervisor Arcularius to approve the Drug Medi-Cal Provider Agreements between Inyo County and the State of California Department of Health Care Services for continued participation as a Drug Medi-Cal treatment provider; and authorize the Director of Health and Human Services to sign the Agreements for the primary clinic in Bishop and the satellite clinic in Lone Pine. Motion carried unanimously.   |
| Planning/Helix Environmental Planning Contract               | Moved by Supervisor Tillemans and seconded by Supervisor Arcularius to approve a sole-source contract between the County of Inyo and Helix Environmental Planning, Inc., for the provision of planning services for the Renewable Energy Planning Grant Phase IIB, in an amount not to exceed \$320,000 for the period of December 1, 2014 through June 30, 2016, 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. |

Resol. #2014-53/  
Ag Bldg. Notice of  
Completion      On a motion by Supervisor Tillemans and a second by Supervisor Arcularius Resolution No. 2014-53 was approved, accepting the improvements for the Agriculture Storage Building Project; and authorize the recording of the Notice of Completion for the Project: motion unanimously passed and adopted.

P.W./Amerigas  
Contract  
Amendment      Moved by Supervisor Tillemans and seconded by Supervisor Arcularius to approve Amendment No. 1 to the Contract between the County of Inyo and Amerigas for propane services for the period of September 1, 2013 through June 30, 2016, adding the new Agricultural Maintenance Building in Bishop and increasing the Contract by \$2,400 for a total Contract amount not to exceed \$603,898, 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./DBE  
Submittal Form      Moved by Supervisor Tillemans and seconded by Supervisor Arcularius to approve the Exhibit 9-B Local Agency DBE Annual Submittal Form for the 2014-2015 Federal Fiscal Year; and authorize the Chairperson to sign. Motion carried unanimously.

P.W./Quincy  
Engineering  
Contract  
Amendment      Moved by Supervisor Tillemans and seconded by Supervisor Arcularius to approve Amendment No. 2 to the Contract between the County of Inyo and Quincy Engineering, Inc., for engineering services to amend the Scope of Work to include additional tasks required for engineering services for bridges over the L.A. Aqueduct at Carroll Creek and Walker Creek Roads and over Oak Creek at Bell Access Road, and to increase the Contract by \$1,209,700 to a total Contract amount not to exceed \$1,318,300, 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.

Auditor/Payroll  
Analyst Position  
Request      Moved by Supervisor Arcularius and seconded by Supervisor Griffiths to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the Payroll Analyst position comes from General Fund, as certified by the Auditor-Controller, and concurred with by the County Administrator; B) where internal candidates meet the qualifications for the position, the vacancy may be filled through an internal recruitment, however, due to the nature of this position an external recruitment is more appropriate; and C) approve the hiring of one Payroll Analyst I, at Range 68 (\$4,106 - \$4,988), II at Range 70 (\$4,305 - \$5,236), or III, at Range 72 (\$4,511 - \$5,479), depending upon qualifications. Motion carried unanimously.

Child Support  
Serv./Child Support  
Officer Position  
Request      Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the Child Support Officer position comes from the Child Support fund, as certified by the Director of Child Support Services, and concurred with by the County Administrator and Auditor Controller; B) the position could be filled by internal recruitment; and C) approve the hiring of one Child Support Officer I at Range 57 (\$3,046 – \$3,701) or II at Range 60 (\$3,271 - \$3,973). Motion carried unanimously.

HHS-Soc. Serv./  
Integrated Case  
Worker Position  
Request      Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the Integrated Case Worker position exists in the Social Services budget, as certified by the Director of Health and Human Services, and concurred with by the County Administrator and Auditor Controller; B) where internal candidates meet the qualifications for the position, the vacancy would 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 Integrated Case Worker II at Range 64 (\$3,735 – \$4,539). Motion carried unanimously.

Rd. Dept./Seasonal  
Maintenance  
Worker Positions      Moved by Supervisor Arcularius and seconded by Supervisor Tillemans to approve the hiring of four Seasonal Maintenance Workers at Range PT50 (\$14.46 per hour) for the period of February 2015 through June 2015. Motion carried unanimously.

Integ. Waste/  
Bishop VFW  
Disposal Fees      The County Administrator provided additional information and further explanation on the request by the Bishop VFW Post to have construction and demolition materials disposal fees waived. Mr. Carunchio recommended that if the Board wants to approve this request that a limit of \$500 per year be set which is what the Board did when the fees for the Mt. Whitney Fish Hatchery were waived. Additionally, Mr. Carunchio recommended that the Board require that all of the construction and demolition debris be separated in order to model good behavior for future similar requests.

Mr. Carunchio also explained that staff will bring back a resolution memorializing the actions of the Board. Supervisor Griffiths questioned the process for not collecting fees at the landfill, saying that he had been informed by a VFW member that in the past, the person from the Post would just identify themselves at the gate and they were waived through with no fees being charged. The County Administrator clarified that the Board of Supervisors is the only entity that can waive disposal fees, and said that he would look into the matter further. Moved by Supervisor Griffiths and seconded by Supervisor Arcularius to waive the solid waste fees for the Veterans of Foreign Wars of the U.S. Bishop Post 8988 (VFW Bishop) disposal of construction and demolition materials, associated with the sidewalk rehabilitation project, at the Bishop Sunland Landfill and direct staff to bring back a resolution establishing a \$500 cap on the waiver and requiring that the waste be separated per County code. Motion carried unanimously.

Parks/Tecopa Hot Springs Negotiation for Concessionaire The County Administrator provided additional information and further justification for the request to pursue negotiations for a concessionaire for the Tecopa Hot Springs Campground and Pools. He explained that the RFP resulted in two local respondents. He said that the local citizenry were provided an opportunity to comment on the RFP responses, and that after a thorough review the consensus was that one application was the most responsive. He said staff is requesting an opportunity to negotiate with that respondent regarding the concession of the Tecopa Hot Springs Campground and Pools. Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to authorize the County Administrator or his designee to negotiate for the concession of the Tecopa Hot Springs Campground and Pools. Motion carried unanimously.

HHS-EMS/ICEMA Workshop on Emergency Medical Services The Chairperson recessed open session at 9:10 a.m., to immediately convene in a workshop, with all Board Members present, with staff from Inland Counties Emergency Medical Authority (ICEMA) to hear an overview of local, state and national emergency medical services in the context of a changing regulatory landscape, current and anticipated problems, and consideration of options for moving forward. Tom Lynch, Executive Director of ICEMA, concluded his presentation with several models for maintaining EMS services in Inyo County, including maintaining the current multiple operating area (OA) model; combining the current OAs into one or two larger operating areas; and designing the upcoming request for proposal process to encourage public private partnerships as a way of increasing paramedics available for advanced life support services. The County Administrator clarified that, under Option 2, the County's fire districts could band together in some sort of Joint Powers Authority and submit a unified bid and, if they did so, grandfathered districts need not lose their grandfathered status. Mr. Lynch concurred. During the public participation portion of the workshop, Chief Steve Davis of the Olancha Fire Department said that several of the departments have gone a long time, in a couple of cases a year or longer, without receiving any reimbursement from billing and they are still hear and still been able to sustain the service. The Chairperson recessed the workshop at 12:10 a.m., to reconvene in open session with all Board Members present.

HHS-EMS/ICEMA RFP for local Emergency Ambulance Service The Board and staff discussed the proposed request for proposals being developed by ICEMA for local emergency ambulance services. The County Administrator suggested that if what the Board heard from Chief Davis of the Olancha Fire Department that the system we have is financially sustainable then Option 1 is the best recommendation to maintain the status quo. He went on to say that if that is not the case, then there is a need to continue to explore viable options for continuing to provide local emergency ambulance services within the parameters of California law. The Board, Mr. Lynch, members of the audience, and staff continued to discuss in great detail and at length which constituted input to ICEMA staff on a proposed "Request for Proposal" to be released soliciting qualified agencies to provide emergency ambulance services in Inyo County for the period of July 1, 2015 through June 30, 2024. The consensus of the Board was that the ICEMA staff would work with the County Staff and local providers to develop an RFP that emphasized the existing local infrastructure while providing flexibility to respond to the challenges discussed during and after Mr. Lynch's presentation. The Board asked that the amended RFP be brought back for further public discussion and consideration by the Board.

Recess/Reconvene The Chairperson recessed the regular meeting at 12:40 p.m., to reconvene at 2:15 p.m., in open session, with all Board Members present.

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

Board Members  
and Staff Reports

The Board Members reported on their activities during the preceding week including various meetings with constituents, the Great Basin Air Pollution Control District Meeting, the Tecopa Fireman's Fling fundraiser, the Planning Commission meeting on the Adventure Trails, various Veterans Day ceremonies throughout the County, an RCRC legislative update, and a Bishop City Council Meeting, a Big Pine Tribe consultation meeting.

Resol. #2014-54/  
Approve GPA  
2013-01/ Munro  
Valley Solar and  
Certifying CEQA

The Chairperson opened the public hearing at 2:35 p.m., on General Plan Amendment #2013-01/Munro Valley Solar, LLC, concerning Assessor Parcel Nos. 033-400-02 and 033-060-19 to create a site specific distributed solar photovoltaic overlay land use designation and apply it to the site, and to the electric distribution and road easements necessary for the proposed project. Ms. Elaine Kabala, Associate Planner, reviewed the staff report and recommendations. At the conclusion of her presentation, Ms. Kabala requested that the documents presented, along with the Agenda Request Form, Staff Report and all attachments be entered into the record and they were marked as follows;

Exhibit A – email from Theresa Stone, Big Pine Tribal Council Treasurer, requesting an archaeologist and Native American Cultural Monitor be present during all phases of excavation and that studies be conducted prior to building permit being issued.

Exhibit B – a letter from the Big Pine Paiute Tribe of the Owens Valley, dated November 12, 2014, requesting Board delay action on the project until consultation is concluded and agreement is reached with the Tribe on their issues.

Exhibit C – a letter from the Owens Valley Committee, dated November 11, 2014, opposing the project.

Exhibit D – the language for the Updated Mitigation for Cultural Resources.

Exhibit E – the Agenda Request Form and the staff report to the Planning Commission.

Exhibit F – the Biological Study marked as exhibit three to the staff report.

Exhibit G – the Glare Study marked as exhibit four to the staff report.

Exhibit H – the Revised Renewable energy Permit.

Exhibit I – the distributed solar photovoltaic overlay map.

Exhibit J-A – the email from Jael Hoffmann, Olancho Resident asking that the project be relocated.

J-B – the letter from the Big Pine Paiute Tribe of the Owens Valley dated 10-14-14.

J-C - the letter from the Defenders of Wildlife, The Wilderness Society, Natural Resources Defense Council and the Sierra Club, urging approval of the project.

Exhibit K – the presentation by Ms. Elaine Kabala, Associate Planner during today's hearing.

Exhibit L – the presentation by the applicant during today's hearing.

Mr. Josh Hart, Planning Director, presented a letter from the Native American Heritage Commission, dated December 31, 2013, which was a result of consultation with the Big Pine Tribe. Mr. Hart asked that the letter be entered into the record and it was Marked Exhibit M.

The Board heard from the following members of the public. Mr. Alan Bacock of the Big Pine Tribe who highlighted areas of the Tribal letter concerning cultural monitoring. Ms. Mary Roper of the Owens Valley Committee, who referred to the letter submitted by the Committee and marked Exhibit J-B. Mr. Jeffrey Bohl, owner of two parcels near the site of the project, who opposed the project because of the impact to his view shed. Ms. Sally Manning, representing the Big Pine Tribe, opposing the project. Mr. Gene Christensen, a neighbor to the site, who asked the Board to not take action today in order to get more public input. Mr. Philip Anaya who read a portion of a letter from Mr. Mark Bagley of Bishop, dated November 12, 2014, opposing the project and which was marked as Exhibit N. Ms. Terrie Robinson, General Counsel for Native American Heritage Commission, who advised the Board that she did not think the actions being proposed today were legal, questioning whether the action was a violation of the Brown Act, and presenting the Board with a copy of a portion of a confidential document from ECORP Consultants dated May 7-8, 2013, which was marked Exhibit O. Ms. Beth Porter of Olancho who opposed the project. Ms. Jael Hoffmann of Olancho who opposed the project location and the process that was followed to bring

this item forward for a decision. The Board and staff continued to discuss the project, including SB18 consultation with the Tribes; CEQA requirements, landscaping, the possibility of to the extent possible moving the project to the east of the site and making the panels close to the road low-profile; water usage; construction methods; cultural resources surveys and the timing of those surveys; and LADWP Feed and Tariff. The Chairperson closed the public hearing at 4:20 p.m.

The Board continued to discuss the project in detail and at length, with several Board Members noting that during the meetings on the REGPA, members from the public, some of whom are in the audience and who have spoken today, asked that renewable energy projects in the Owens Valley, be kept under 20 megawatts, be sited near the communities, and sited on already disturbed lands, which is what this project is and does. The Board discussed the water source for the project, with the consensus of the Board Members to make it the preference of the applicant as to the water source that is used. In response to a question regarding the countywide applicability of the General Plan Amendment, Mr. Hart clarified that if an applicant wanted to apply this land use designation overlay, they would have to go through a "General Plan Amendment" process.

On a motion by Supervisor Kingsley and a second by Supervisor Griffiths, Resolution No. 2014-54 was adopted approving General Plan Amendment #2013-01/Munro Valley Solar, LLC, as recommended by staff, including the modifications to the language for the Updated Mitigation for Cultural Resources as stated in Exhibit D; and as amended as follows: (a) to the extent possible have the project moved as far east on the site as possible; (b) to the extent possible have the panels located closest to the highway be as low profile as possible; (c) leave the water source to be used to the preference of the applicant; and (d) ensure that Phase II of the Cultural Survey is completed before a building permit is issued; and certifying that the requirements of the California Environmental Quality Act (CEQA) have been met for the project as amended. Motion carried unanimously.

Adjournment

The Chairperson adjourned the meeting at 5:15 p.m., to 8:30 a.m., Tuesday, December 2, 2014 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*