

MINUTES

County of Inyo Board of Supervisors

May 13, 2008

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, May 13, 2008, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Linda Arcularius presiding, Susan Cash, Beverly Brown, Jim Bilyeu and Richard Cervantes. Supervisor Cervantes provided the Invocation, and Supervisor Bilyeu led the Pledge of Allegiance.

Public Comment The Chairperson announced the public comment period. Mr. Jack Pound, Independence Resident, addressed the Board to express his concern over a notice to remove encroachment he had received. The Board noted that during public comment they were precluded from discussion. County Counsel suggested that Mr. Pound be directed to the Acting Public Works Director for resolution. Mr. Doug Wilson, Acting Public Works Director, introduced himself to Mr. Pound and committed that the County would not pursue the remedies available until he and Mr. Pound had the opportunity to discuss the issue and if resolution was not reached, the Board had an opportunity to address this issue. Mr. Bill Dunkleberger of the Bureau of Land Management, presented the Board with a Conservation Award, which was awarded to the Alabama Hills Stewardship Group. Mr. Frank Wilson, Independence Resident, addressed the Board to note his dissatisfaction with the delivery of the transit passes from IMAAA.

County Department Reports The Chairperson announced the County Department report period. Mr. Pat Cecil, Planning Director, updated the Board on activities concerning the Coso Project. Mr. Chuck Hamilton, Deputy County Administrator, informed the Board that the replacement of the restrooms at Mendenhall Park had commenced yesterday and should be finished by May 27th. He also informed the Board that the County had been given 129 trees through a City of Los Angeles Grant Program to improve the City's "green" efficiency, which provides trees to be planted on City of Los Angeles property. He went on to say that the majority of the trees are being planted at Diaz Lake. Mr. Brandon Shults reported on a seminar he had attended on the California Emerging Tech Fund. Mr. George Milovich, Agricultural Commissioner, reported on State Ag Commissioners Spring Conference. Dr. Bob Harrington, Acting Water Director, updated the Board on the Integrated Regional Water Management Plan, meeting schedule. Supervisor Arcularius reported that 1XXX which had previously passed in the Assembly, was passed in the Senate and should be before the Governor for signature in the very near future. She asked staff to draft a letter, requesting the Governor sign the Bill, which will exempt 13 small counties, including Inyo, from the deferral of Road Tax and social services funds.

Integ. Waste/Household Hazardous Waste Removal Contract Moved by Supervisor Cash and seconded by Supervisor Brown to approve the Contract between the County of Inyo and 21st Century Environmental Management, Inc. of Nevada, located in Benicia, California, for the removal of household hazardous waste from the Inyo County Waste Management collection facilities, in an amount not to exceed \$19,285; and authorize the Chairperson to sign. Motion carried unanimously.

HHS-EMT/Emergency Care Comm. Appt. Moved by Supervisor Cash and seconded by Supervisor Brown to appoint Denise Morrill of Sierra Lifeflight to the Inyo County Emergency Medical Care Committee, to complete a term ending December 31, 2008. Motion carried unanimously.

HHS-Misc./Tri County Fair Wellness Area Moved by Supervisor Cash and seconded by Supervisor Brown to approve the rental agreement between the 18th District Agricultural Association and the County of Inyo at no rental fee which was waived, for the period of May 7, 2008 through December 31, 2008 for the use of the northeast corner of RV camping area of the Fairgrounds for use as a garden for wellness consumers, and authorize the Chairperson to sign. Motion carried unanimously.

HHS-Mental Hlth./ECHO Consulting Contract Moved by Supervisor Cash and seconded by Supervisor Brown to ratify the Contract between the County of Inyo and ECHO Consulting Services of California for provision of mental health database and consultation services for the period of July 1, 2007 through June 30, 2008, in an amount not to exceed \$27,972.88; and authorize the Chairperson to sign. Motion carried unanimously.

HHS-Misc./Dell Computers	Moved by Supervisor Cash and seconded by Supervisor Brown to declare Dell as a sole-source provider of computers and authorize the purchase of computers and equipment from Dell in an amount not to exceed \$32,214.61. Motion carried unanimously.
P.W./Coating and Welding Contract for Indy Reservoir Replacement	Moved by Supervisor Cash and seconded by Supervisor Brown to approve the Contract between the County of Inyo and CSI Services for coating and welding inspections services for the Independence Reservoir Replacement Project; for the period of May 13, 2008 through December 31, 2008, in an amount not to exceed \$29,508, contingent upon the Board's adoption of a FY 2008-09 Budget; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
P.W./MOU w/ Round Valley School for Modular Building	The County Administrator expressed his appreciation to Supervisor Arcularius who precipitated the events, which led to the County acquiring a modular building from Round Valley School, which is being placed at the Bishop Sunland Landfill. He also acknowledged and thanked the County Staff who were instrumental in facilitating the move. Mr. Carunchio also recognized the extremely generous donation of the Round Valley School District, which also included the amount of money they had budgeted for the removal of the building. Mr. Chuck Hamilton, Deputy County Administrator, responded to questions from the Board, and explained how the building was going to be utilized at the site. Moved by Supervisor Bilyeu and seconded by Supervisor Brown to ratify and approve the Memorandum of Understanding between the County of Inyo and the Round Valley School District accepting a surplus modular building as a donation and authorize the Chairperson to sign; and authorize an expenditure of \$9,243 to the Round Valley School District for packaging and transportation of the modular building to the Bishop Sunland Landfill. Motion carried unanimously.
Recess/Reconvene	The Chairperson recessed the regular meeting at 9:30 a.m., to reconvene at 9:50 a.m., with all Board Members present.
Planning/Land Tenure Process	The Planning Director, Mr. Pat Cecil, reviewed the Land Tenure Planning Process. The Board, Mr. Cecil, and Mr. Dunkleberger discussed the process, including the timing of the first meeting of the Steering Committee. Supervisor Cash offered to serve as the Board's representative on the Steering Committee. The Board directed Staff to publish the appropriate notice seeking letters of interest from members of the public interested in serving on the Steering Committee, and asked that this item be reagendaized for May 27, 2008, for consideration of appointment of a member of the public.
CAO-Admin. Serv./CDF Inmate Assistance Agreement	The Deputy County Administrator noted a discrepancy between the Agenda and the Contract regarding the signature line and asked for clarification. The Assistant Clerk indicated that it was easier to change the signature line to the Chairperson. Moved by Supervisor Cash and seconded by Supervisor Bilyeu to ratify and approve the Interagency Agreement between the County of Inyo and the California Division of Forestry (CDF) for inmate assisted maintenance projects for the period of July 1, 2007 through June 30, 2010, in an amount not to exceed \$25,783, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign. Motion carried unanimously.
Water Dept/Green Book Revisions	The Acting Water Director, Dr. Bob Harrington, made a presentation on and reviewed in detail the status of the Green Book revisions.
Ord. 1134/Solid Waste Disposal Fees	On a motion by Supervisor Cash and a second by Supervisor Cervantes, Ordinance #1134 entitled "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, repealing Inyo County Ordinance Number 1094, and establishing Solid Waste Disposal Fees," was approved: motion unanimously passed and adopted.
HHS-CalWorks/Program Workshop	The Chairperson recessed open session at 10:50 a.m., to convene in a workshop with Health and Human Services Staff on the CalWorks Program. The Chairperson recessed the workshop at 11:07 a.m.
Ag Comm./Workshop Mosquito Abatement	The Chairperson reconvened at 11:15 a.m., with all Board Members present to conduct a workshop with Mosquito Abatement Staff on the Mosquito Abatement Program. The Chairperson recessed the workshop at 11:30 a.m., to reconvene in open session with all Board Members present.

Ag Comm./
Benefit
Assessment

The Chairperson opened the public hearing at 11:30 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" in order to receive any public input on the proposed continuation of the assessments, the proposed assessment budget for FY 2008-09 and the services and programs, the assessments fund, and any other issues related to the assessments. Ms. Tatiana Vera of SCI Consulting reviewed the Engineer's reports on the two assessments and responded to questions from the Board. There being no one from the public wishing to address this issue, the Chairperson closed the public hearing at 11:40 a.m. Moved by Supervisor Cash and seconded by Supervisor Bilyeu to order the services and levy the assessments for FY 2008-2009 for the Owens Valley Mosquito Abatement Program and the Mosquito Control and Disease Prevention Program. Motion carried unanimously.

Resol. #2008-17/
Mosq. Abatement
District Engineer's
Reports Approved

On a motion by Supervisor Cash and a second by Supervisor Bilyeu, Resolution No. 2008-17 approving the Engineer's Report, confirming the diagram and assessments for FY 2008-09 for the "Owens Valley Mosquito Abatement Program Assessment" and the "Mosquito Control and Disease Prevention Assessment," was approved: motion unanimously passed and adopted.

Assessor/Ord.
Enacting New
Chapter 3.28

The Chairperson opened the public hearing at 11:45 a.m., on a proposed ordinance entitled "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Repealing Inyo County Ordinance Number 430, Repealing Chapter 3.28 of the Inyo County Code, and Enacting a New Chapter 3.28 of That Code Relating to Reassessment of Damaged or Destroyed Property Procedure and Eligibility." The Assessor, Mr. Tom Lanshaw, reviewed the Staff report and recommendations regarding the new ordinance, explaining that this new ordinance will bring the County's ordinance in line with the State's limits on reassessment of damaged or destroyed property. There being no one from the public wishing to address this issue, the Chairperson closed the public hearing at 11:47 a.m. Moved by Supervisor Bilyeu and seconded by Supervisor Brown to waive the first reading of the ordinance and schedule the enactment for 11:30 a.m., Tuesday, May 20, 2008, in the Board of Supervisors Room, at the County Administrative Center, in Independence. Motion carried unanimously.

Post Agenda/
Closed Session
Planning Director
Evaluation

County Counsel presented the Board with a request for consideration of a closed agenda as follows: **PERSONNEL [Pursuant to Government Code §54957]** - Public Employee Performance Evaluation - Title - Planning Director. Moved by Supervisor Cash and seconded by Supervisor Cervantes to find that the need to consider a closed session item as noted arose after the Agenda for the May 13, 2008 Board of Supervisors Meeting was posted, and there is a need for the Board to address this item prior to the next regularly scheduled meeting, therefore this item is added as Agenda Item No. 29A. Motion carried unanimously.

HHS-Behavioral
Hlth./Psychiatric
Nurse Career
Ladder

Moved by Supervisor Bilyeu and seconded by Supervisor Brown to A) create a full time Psychiatric Nurse I, at Range 78 (\$4,756 - \$5,781) and II, at Range 80 (\$4,985 - \$6,064), Career Ladder in the County personnel structure; B) change the authorized strength in the Health and Human Services Department by adding one full time Psychiatric Nurse II position at Range 80; C) authorize the recruitment and filling of this position; and D) change the authorized strength in the Department by deleting one part time Psychiatric Nurse I/II position upon successful recruitment and hiring of the position. Motion carried unanimously.

County Counsel/
Walters Appeal
Contracts

Assistant County Counsel, Mr. Randy Keller, provided additional information and further justification for amending the Contracts concerning the on-going Walters Appeal. Moved by Supervisor Brown and seconded by Supervisor Cervantes to A) approve and ratify Amendment 1 to the Agreement between the County of Inyo and Jim Walters, for the reimbursement of Inyo County for defense litigation costs for *Save Round Valley Alliance v. County of Inyo et al.*, from the term of September 2, 2005 to completion of the lawsuit, in an amount not to exceed \$75,000; and authorize the Chairperson to sign; B) amend the County Counsel Budget Unit 010700 by increasing unanticipated revenue from the Walters Agreement in Services and Fees (*Revenue Code #4819*) by \$15,000 and increasing appropriations in Professional and Other Services (*Object Code #5267*) by \$15,000, (*4/5's vote required*); and C) approve and ratify Amendment No. 2 to the Agreement between the County of Inyo and Liebersback, Mohun, Carney & Reed for the provision of legal services in advising and representing the County of Inyo, and its Board, as Respondents in *Save Round Valley Alliance v. County of Inyo et al.*, for the term from September 2, 2005 to completion of the lawsuit, in an amount not to exceed \$60,000; and authorize the Chairperson to sign. Motion carried unanimously.

Recess/ Reconvene	The Chairperson recessed the regular meeting at 12:00 p.m., to reconvene in open session at 2:05 p.m., with all Board Members present
BofS/Highlands Mobile Home Park	Mr. David Weller, Manager Highlands Mobilehome Community, addressed the Board to talk about the need for traffic enforcement within the Park. The Board and Mr. Weller briefly discussed some of the issues addressed by Mr. Weller, including who would pay for CHP enforcement efforts, the need for traffic and speed surveys to be conducted by the Road Department prior to recommendations for placement of stop signs, and requirements that public hearings be held in the community to advise them of the efforts to have traffic enforcement. County Counsel suggested the Board direct Mr. Weller to the Acting Road Commissioner so that the appropriate preliminary steps can be taken so that should the Board take the action being requested the traffic laws are enforceable. The Board thanked Mr. Weller for coming before the Board and directed our Acting Road Commissioner, Mr. Doug Wilson, to work with Mr. Weller on his request for the Board of Supervisors to pass an ordinance allowing California Highway Patrol to patrol Highlands Mobile Home Community, to ensure that the appropriate preliminary steps are taken to ensure that an ordinance is enforceable if enacted by the Board.
CAO-Budget/ Third Quarter Budget Review	The County Administrator reviewed the Third Quarter Financial Report in detail, including those action items needing Board Approval. Moved by Supervisor Cash and seconded by Supervisor Bilyeu to A) accept the FY 2007-08 County Third Quarter Financial Report as presented; B) approve the specific budget action items and recommendations discussed in the report and authorize the Auditor-Controller to make the budget adjustments as recommended by Staff; (4/5's vote required); C) authorize the County Administrator and Auditor-Controller to make year-end adjustments, as necessary within each fund; D) approve the Preliminary FY 2008-2009 Budget Calendar with regard to the proposed dates for the Budget Hearings and adoption of the Final Budget; and E) direct the County Administrator and Auditor-Controller to prepare a rollover budget for the start of FY 2008-2009 and present it for approval on June 17, 2008. Motion carried unanimously.
BofS/So. Inyo Hospital Medi-Cal Reductions Impact	Ms. Lee Barrons, Southern Inyo Hospital Administrator, addressed the Board to talk about the impacts the Governor's proposed reductions on Medi-Cal reimbursement rates will have on Southern Inyo Hospital. She explained that because of the proposed cuts to nursing homes, Southern Inyo Hospital would take a double hit. She noted that many patients in nursing facilities are using a combination of benefits including Medi-Cal to pay and that these cuts are going to detrimentally impact our most vulnerable populations. Ms. Jean Dickinson, Health and Human Services Director, addressed the Board to support the Hospital's position and the Board sending the letter. Moved by Supervisor Cervantes and seconded by Supervisor Bilyeu to approve a letter to the Governor opposing the cuts and authorize the Chairperson to sign. Motion carried unanimously.
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 3:15 p.m., to convene in closed session to discuss and take action as required on Agenda Items No. 25. CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6] Instructions to Negotiators re: wages, salaries and benefits - Employee Organization – ICEA; Negotiators - CAO Kevin Carunchio 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 - Deputy Sheriff's Association (DSA); Negotiators - CAO Kevin Carunchio, Sheriff Bill Lutze 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 - Law Enforcement Administrators' Association (LEAA); Negotiators - CAO Kevin Carunchio and Labor Relations Administrator Sue Dishion; No. 28. PERSONNEL [Pursuant to Government Code §54957] - Public Employee Performance Evaluation - Title – Acting Public Works Director; No. 29. REAL PROPERTY NEGOTIATIONS [Conference With Real Property Negotiators Pursuant To Government Code §54956.8] – Property – Independence Airport and Eastern Sierra Regional Airport (Bishop); Negotiating Parties – Inyo National Forest Services and County Administrator and Acting Public Works Director - Negotiations – Lease Price and Terms; and No. 29A. PERSONNEL [Pursuant to Government Code §54957] - Public Employee Performance Evaluation - Title – Planning Director.

Report on Closed Session The Chairperson recessed closed session at 5:57 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 meeting in memory of Mr. Joe Redmond, a retired Inyo County Deputy Sheriff, who recently passed away. The Chairperson adjourned the meeting at 5:57 p.m., to 9:00 a.m., Tuesday, May 20, 2008.

Chairperson, Inyo County Board of Supervisors

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

*by: _____
Patricia Gunsolley, Assistant*