

January 6, 2009

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, January 6, 2009, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Linda Arcularius presiding, Susan Cash, Beverly Brown, Marty Fortney and Richard Cervantes. Supervisor Cervantes provided the Invocation, and Supervisor Fortney led the Pledge of Allegiance.

Public Comment The Chairperson announced the Public Comment period and Mr. Mike Patterson of Cerro Gordo addressed the Board to support the Board's coordination efforts and to reiterate his opposition to the California Wilderness Coalition's wilderness proposal to Senator Diane Feinstein.

County Dept. Reports The Chairperson announced the County Department Report period. Mr. Marvin Moskowitz, Environmental Health Director, informed the Board that it is Radon Awareness Month and shared some statistics regarding the dangers of radon gas. He went on to notify the Board that the California State Water Resources Board would be holding a public meeting on January 13, 2009 at the Tri-County Fairgrounds regarding the new septic systems regulations, which are a result of AB885.

Dr. Bob Harrington, Water Director, notified the Board that the Water Commission would be having a meeting on January 12, 2009. He said that the Coso Water Extraction Project has been agendized for discussion and development of a Water Commission recommendation to the Planning Commission regarding this project.

Ms. Jean Dickinson, Director of Health and Human Services, addressed the Board to provide an update on the impacts to services and programs as a result of the States Budget actions.

Mr. George Milovich, Agricultural Commissioner, provided the Board with a copy of the Cal EPA auditor report on the County's pesticide program, which reflects a good evaluation of the program. He reported that the second meeting regarding the natural beef program would be conducted at Whiskey Creek on January 7, 2009 from 1:00 p.m. to 4:00 p.m. As an addition to the Ag Commissioner's Report, the County Administrator relayed an example of how a local restaurant in Gardnerville was supporting their natural beef program through the use of "table talk" flyers, which provide information on the beef being served. Mr. Milovich went on to report that the forest service has closed the road to the old Interagency Visitors Center, which he had been using as a satellite office for the Mosquito Abatement Program, and informed him that they do not believe his use is a compatible use of the facility.

Mr. Jeff Thomson, Chief Probation Officer, reported that the transition in the Probation Department has been going very smoothly and gave thanks and credit to his Probation Staff that has been very supportive. He informed the Board that the annual State Audit of the Juvenile Facility had been conducted out of sequence because of the Auditor's personal visit to the area. He provided the Board with a copy of the audit results showing an acceptable audit and explained that the facility is certified for the next two years. Mr. Thomson also informed the Board that the Sierra Ceramic Mural Project is going to be offering workshops at the facility so the juveniles can create ceramic tiles for the project. Supervisor Arcularius requested that she be notified of when those workshops would be held because she wanted to observe one of the sessions.

Mr. Chuck Hamilton, Deputy County Administrator, informed the Board that a Household Hazardous Waste Event was scheduled for January 10, 2009 at the Bishop Sunland Landfill from 9:00 a.m. to 12:00 p.m. Mr. Hamilton also informed the Board that the County received a courtesy call from Caltrans notifying the County of the removal of identified trees at Independence Park for the 395-widening project through Independence.

Mr. Wilson reported he had attended the DWP scoping meeting on the new “moat and row” dust control method to be used at the Owens Dry Lake, that the Planning Department is working on an ordinance to bring the Zoning Ordinance into compliance with the General Plan and that the Yucca Mountain certifications had been timely filed and that the Dept. is moving forward to schedule a workshop with the Board in the near future.

Planning/PMC
Contract for G.P.
Housing Element
Update

Supervisor Arcularius expressed her concern that the scope of work did not reference SB 375, which affects local land use jurisdictions. She questioned whether it needed to be specifically defined in order to be a part of the Contract. Mr. Wilson said that he had spoken with the Contractor and they had agreed that SB 375 would be included in the laws they will evaluate in relation to their work under the Contract. He explained that the contract language did not exclude this legislation or any other pertinent legislation, simply because it was not specified in the Contract. Supervisor Arcularius explained that she just wanted to make sure that the expectation is that SB 375 is included in the scope of this Contract.

Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve the Contract between the County of Inyo and Pacific Municipal Consultants (PMC) for the provision of planning, environmental, and processing services for the required update to the Inyo County General Plan Housing Element, for the period of January 1, 2009, through December 31, 2009, in an amount not to exceed \$34,820, 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.

Recess/
Reconvene

The Chairperson recessed the regular meeting at 10:00 a.m., to reconvene in open session at 10:15 a.m., with all Board Members present.

Water Dept./Salt
Cedar Chemical
P. O.

Dr. Bob Harrington, Water Director, informed the Board that the Department had received word from the State that funds for the County's WCB Grant for salt cedar eradication had been suspended. He explained that a portion of the WCB funding was from grant funds and a portion was from the State General Fund. He said that to date all of the reimbursements for work against this grant had been paid through grant funds, that the State is the entity that determines from which funding source the reimbursements are made, and that while the Department is being told by their State contact person that the General Fund portion is still available, he has been unable to confirm that in writing. Dr. Harrington said that the program has sufficient funds to cover the purchase of the chemicals being requested. He also reminded the Board that DWP is providing matching funds for this grant and that he suspects if there is no funds expended through the grant then there will be no matching funds. He said he would keep the Board informed on this matter. Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve the purchase of 125 gallons of Garlon 4 Product Ultra Triclopyr herbicide and 630 gallons of Improved JLB Oil Plus, with dye and light pine scent from Silverado Ranch Supply in an amount not to exceed \$21,493.43, including tax and shipping, and direct the Department to keep the Board updated on changes to the grant funding. Motion carried unanimously.

P.W./Change in
Authorized
Strength

The Acting Public Works Director, Mr. Doug Wilson, explained that with the retirement of a Building and Maintenance Helper, who had basically been dedicated to the maintenance of the grounds, it was a good time to clarify the duties of the position. Moved by Supervisor Cervantes and seconded by Supervisor Fortney to A) create the position of Grounds Maintenance Worker at Range 48 (\$2,408 - \$2,919); B) approve a change in authorized strength by deleting one Building and Maintenance Helper position at Range 48 and adding one Grounds Maintenance Worker position at Range 48; and C) authorize the recruitment and filling of the Grounds Maintenance Worker position at Range 48. Motion carried unanimously.

Clerk/Truncation
Redaction System
P. O.

Ms. Mary Roper, Clerk-Recorder, explained that the purchase of the truncation redaction system would protect against identity theft by removing the social security numbers required on the documents before they are released as public information. Moved by Supervisor Fortney and seconded by Supervisor Cervantes to A) declare AtPac the sole source provider of truncation/redaction systems and authorize the purchase of the Truncation/Redaction System from AtPac in the amount of \$17,873; and B) amend the FY 2008-09 Recorder's Micrographic/System Budget Unit 023401 by increasing appropriations in Equipment (*Object Code #5650*) by \$17,873, and decreasing appropriations in Office and Other Equipment <\$5,000 (*Object Code #5232*) by \$1,770 and General Operating Expense (*Object Code #5311*) by \$16,103. Motion carried unanimously.

Treasurer/Investment Policy	Ms. Alisha McMurtrie, Treasurer-Tax Collector, reviewed the legal requirements for approving the Investment Policy and confirmed that she has made no changes in the policy. Moved by Supervisor Cash and seconded by Supervisor Cervantes to approve the Inyo County Treasury Investment Policy as submitted. Motion carried unanimously.
Resol. #2009-01/ Delegating Investment Authority	Ms. Alisha McMurtrie, Treasurer-Tax Collector, reviewed the legal requirements for delegating the investment authority. On a motion by Supervisor Cash and a second by Supervisor Fortney, Resolution No. 2009-01 was approved delegating investment authority to the Inyo County Treasurer: motion unanimously passed and adopted.
Sheriff/Title III Funds for Search and Rescue	Acting Undersheriff Jim Jones, explained that the request before the Board is to use the balance of the Title III funds, which the Board previously directed be used for County Search and Rescue efforts, to purchase satellite phone equipment to enhance Search and Rescue efforts in the backcountry. Moved by Supervisor Cash and seconded by Supervisor Fortney to A) amend the FY 2008-09 Sheriff-General Budget Unit 022700 by increasing estimated revenue in Forest Service Reserve (<i>Revenue Code #4521</i>) by \$16,463; decreasing appropriations in Law Enforcement Special (<i>Object Code #5313</i>) by \$4,702, and increasing appropriations in Other Equipment (<i>Object Code #5670</i>) by \$21,165, B) declare Nielsen's Equipment Maintenance of Mammoth Lakes, California, a sole source provider of Kenwood radio and repeater equipment and authorize the purchase of a Kenwood TKR750 Portable Repeater in an amount not to exceed \$12,933, including tax and labor and four (4) Kenwood TK-2180 Handheld Radios and accessories in an amount not to exceed \$3,164, from Nielsen's Equipment Maintenance; and C) approve the low quote and purchase of four (4) Iridium 9505A USM New Full Kit Satellite Phones with 500 prepaid minutes and one year expiration from World Communication Center, in an amount not to exceed \$8,232 including tax and shipping. Motion carried unanimously.
Parks/Impact of State Suspending Grant Funds on Park Projects	<p>The Assistant County Administrator, Mr. Chuck Hamilton, reviewed the Staff Report regarding the impact of the State of California's notice of the suspension of active State Funded Park Project Grants. He explained there are two County projects impacted by this notice, which are the Lone Pine Park Rehabilitation Project and the Tecopa Sewer Lagoon Repair Project.</p> <p>He reported there was sufficient funds in the Park Trust Fund to pay for the completion of the Lone Pine Park Tennis Court Rehabilitation Project, which is the last project for the Lone Pine Park Project. He said that the balance of the money from the grants for this project, approximately \$67,000, was going to be used to complete smaller tasks, like the installation of playground equipment at Millpond. He informed the Board that those projects would be delayed until the grant funds are reinstated. The Board and Mr. Hamilton discussed the funding for the Tennis Court Project in detail. Supervisor Arcularius said that she would like to have a workshop on the Park Improvement Plan, including a final report and accounting of the projects, which will be completed once the final project at the Lone Pine Park is finished.</p> <p>Mr. Hamilton went on to talk about the Tecopa Sewer Lagoon Repair Project. He said the County has been holding its Prop 40 funding for this project. He reviewed the timeline for the project and the grant funding, explaining that because of the State's actions to suspend the grants, the County may be unable to meet the project deadlines established by the grant. The Board and Mr. Hamilton discussed the project including, why the County's use of Prop 40 funds had been delayed, how the extension of the lease with BLM may be impacted by the State's actions, the need to have Board and County Staff travel to Sacramento to meet with the State Officials to explain the magnitude of the County's project for the use of the Prop 40 money and secure that the grant deadlines will be extended. Supervisor Arcularius said that she would contact Patricia Megeson, the Vice-President of RCRC, who was a former State Parks Director, to garner her assistance in how best to approach the State. Supervisors Cervantes and Cash volunteered to travel with Staff to Sacramento to discuss this with our State Officials. Supervisor Arcularius provided additional history on the Prop 40 funds, saying that it was through RCRC's hard work that for the first time rural counties were able to share in bond funding. She said that prior to Prop 40, the bond money had been spent in the larger urban counties. Supervisor Arcularius explained that she would be really disappointed if the County were to lose this funding because the State suspended the funds, without extending the deadlines for its use. The Board directed Mr. Hamilton to work with Supervisor Arcularius and other Board Members to facilitate the trip to Sacramento.</p>

Emerg. Serv./Mud Flow Emergency Continued	The County Administrator announced that the temporary diversion on Oak Creek had been removed and water has been returned to the natural channel of the creek. He said that the State Department of Water Resources had provided the go-ahead for removing the temporary diversion. He provided information on the actual event, saying that it took about two hours for the water to reach the bottom. He recommended that the Board continue the emergency until DWP rebuilds their diversion structure and the stability of the creek bed is reestablished. Moved by Supervisor Fortney and seconded by Supervisor Cervantes to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.
BofS/Minute Approval	Moved by Supervisor Cash and seconded by Supervisor Cervantes to approve the minutes of the Board of Supervisors regular meetings as follows: A) November 25, 2008; B) December 9, 2008; and C) December 16, 2008. Motion carried on a four-to-zero vote, with Supervisors Arcularius, Cash, Brown, and Cervantes voting yes, and with Supervisor Fortney abstaining.
Recess/Reconvene	The Chairperson recessed the regular meeting at 11:00 a.m., to reconvene in open session at 11:10 a.m., with all Board Members present.
CAO-Personnel/LEAA MOU	Ms. Sue Dishion, Labor Relations Administrator, reviewed the request to approve the MOU between the County and the Law Enforcement Administrators Association (LEAA). Supervisor Arcularius commented that she was supporting the retroactivity associated with this MOU because the delay was a result of a County request and clarified that she may not be as supportive of retroaction in other instances. Moved by Supervisor Cash and seconded by Supervisor Arcularius to approve the July 1, 2008 through June 30, 2010 Memorandum of Understanding between the County of Inyo and the Law Enforcement Administrators Association (LEAA), and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
Resol. 2009-02/ Fixing Safety Employee Compensation	On a motion by Supervisor Cash and a second by Supervisor Arcularius, Resolution No. 2009-02 entitled "A Resolution of the Board of Supervisors, County of Inyo, State of California, Rescinding County of Inyo Resolution 2005-44, Fixing compensation and Terms and Conditions for the Safety Employees in the County," was approved: motion unanimously passed and adopted.
Resol. #2009-03/ Approving 2008-2010 MOU w/LEAA	On a motion by Supervisor Cash and a second by Supervisor Arcularius, Resolution No. 2009-03 entitled "A Resolution of the Board of Supervisors, County of Inyo, State of California, Approving the 2008-2010 Memorandum of Understanding between the County of Inyo and the Law Enforcement Administrators Association Providing for Retroactive Salary and Longevity increases effective July 1, 2008 and other increases in Compensation," was approved: motion unanimously passed and adopted.
Board Members and Staff Reports	The Board Members reported on their activities during the preceding week, including thank you's to Supervisor Arcularius for her leadership as the Chairperson during the past year, the swearing in ceremonies, an update on the State Budget proposals for CA first five funding, and a Fire Captains Meeting in Big Pine. The Board asked the Assistant Clerk to coordinate with the Environmental Health Director to issue a press release regarding the State Water Control Board's upcoming meeting on AB885 septic system regulations.
Public Comment	The Chairperson announced a second public comment period and there was no one wishing to address the Board.
Closed Session	The Chairperson recessed open session at 11:30 a.m., to convene in closed session, with all Board Members present, to discuss and take action as required on Agenda Items 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 - CAO Kevin Carunchio, Sheriff Bill Lutze and Labor Relations Administrator Sue Dishion; No. 24. 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. 25. PERSONNEL [Pursuant to Government Code §54957] - Public Employee Appointment - Title – Director of Public Works; No. 26. CONFERENCE WITH LABOR NEGOTIATOR (Pursuant to Government Code §54957.6) – Instructions to Negotiators re: wages, salaries and benefits – Title: Director of Public Works - Negotiator – as designated by the Board of Supervisors; and No. 27. PERSONNEL [Pursuant to Government Code §54957] - Public Employee Appointment - Title – Director of Planning.

Report on Closed Session The Chairperson recessed closed session at 2:25 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 meeting in memory of Darlene Landis, a retired Inyo County Health and Human Services employee who had worked for the County for 30 years who passed away last week. The Chairperson adjourned the meeting at 2:15 p.m., to 9:00 a.m., Tuesday, January 13, 2009, in the Board of Supervisors Room, at the County Administrative Center in Independence.

Chairperson, Inyo County Board of Supervisors

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

by: _____
Patricia Gunsolley, Assistant