

MINUTES

County of Inyo Board of Supervisors

March 3, 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, March 3, 2009, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Beverly Brown presiding, Linda Arcularius, Susan Cash, 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 there was no one from the public wishing to address the Board.
- County Department Reports The Chairperson announced the County Department Report period. Mr. Ted Pedersen, Public Works Director, updated the Board on his activities during the past couple of weeks, including tours of road projects, a meeting with airport staff and attending a variety of other meetings.
- Planning/Update The Acting Planning Director, Mr. Doug Wilson, updated the Board on Planning Department activities during the preceding week, including a land tenure meeting, with the Board requesting a future Agenda item to discuss this project further.
- County Counsel/James Contract Amendment Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to approve Amendment No. 5 to the Agreement between the County of Inyo and Gregory L. James, Attorney at Law, to increase the FY 2008-09 contract limit by \$30,000 to an amount not to exceed \$110,000, to cover the anticipated costs for Mr. James to represent the County of Inyo in the Yucca Mountain Repository Licensing Hearings before the Nuclear Regulatory Commission; and authorize the Chairperson to sign. Motion carried unanimously.
- Senior Serv.-HHS/Mono Contract for Services Ms. Donnell Carrington, Health and Human Services Department Fiscal Director, provided further information and clarification on the request to approve a contact with Mono County for IMAAA Services. Ms. Carrington informed the Board that this is a reimbursement contract, which will be monitored for compliance. Moved by Supervisor Arcularius and seconded by Supervisor Cash to approve the Contract between the County of Inyo and Mono County to provide community-based senior services, as part of the Inyo Mono Area Agency on Aging (IMAAA) services, for the period of January 1, 2009 through June 30, 2009, in the amount of \$112,637; and authorize the Chairperson to sign. Motion carried unanimously.
- Motor Pool/P.O. to Equip Sheriff Vehicles Moved by Supervisor Cash and seconded by Supervisor Arcularius to award the bid and approve the purchase order for equipping six Sheriff Department Vehicles to Nielsen's Equipment Maintenance in the amount of \$34,608.49. Motion carried unanimously.
- Museum/Community Sponsorship Grant Bishop CofC Final Payment Mr. Jon Klusemire noted that the appropriate approvals for this item had been attained and thanked the Auditor for her approval of the item. Moved by Supervisor Cash and seconded by Supervisor Arcularius to approve the final payment from the Advertising County Resources Budget for the Community Project Sponsorship Grants Program to the Bishop Area Chamber of Commerce and Visitors Bureau, for two projects totaling \$7,000 as follows: \$4,000 for the 2008 Fall Classic Fishing Derby; and \$3,000 for the Fabulous Fall Fun Advertising Campaign. Motion carried unanimously.
- Emergency Serv./Disaster Continued The County Administrator said that he has not had the opportunity to talk with the Sheriff about opening Oak Creek Road to the Fish Hatchery, but that he will touch bases with the Sheriff on this item some time this week. He said that the recommendation is to continue the emergency until the permanent diversion is in place. Moved by Supervisor Fortney and seconded by Supervisor Cash to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.

CAO-Leg. Platform	The Board noted the inclusion of the two items discussed last week, which were the support of legislation for funding coordination efforts and support of legislation protecting local land use authority of the areas natural resources. Moved by Supervisor Arcularius and seconded by Supervisor Fortney to adopt the Calendar 2009 Legislative Platform for the County of Inyo. Motion carried unanimously.
BofS/Minute Approval	Moved by Supervisor Cervantes and seconded by Supervisor Cash to approve the minutes of the February 17, 2009 Board of Supervisors Meeting. Motion carried unanimously.
Recess/Reconvene	The Chairperson recessed the regular meeting at 9:40 a.m., to reconvene in a workshop, at 9:50 a.m., with all Board Members present.
Parks/DWP Workshop on Quagga Mussel	The Board met in a workshop with representatives of the Los Angeles Department of Water and Power (DWP) and Inyo County Parks Staff on the impact of the quagga mussel at Diaz Lake. The Chairperson recessed the workshop at 10:50 a.m., to reconvene in open session at 11:00 a.m., with all Board Members present.
CAO-Budget/Mid-Year Budget Approval	The County Administrator, Mr. Kevin Carunchio, reviewed the FY 2008-09 Mid-Year Financial Report including, discussing the recommended exemptions to the hard hiring freeze, the revisions to the Extraordinary Budget Control Policies previously adopted by the Board and the need to continue to maximize year-end fund balances through cost savings and capturing revenue. Moved by Supervisor Cash and seconded by Supervisor Cervantes to A) accept the Fiscal Year 2008-2009 Mid-Year Financial Report as presented; B) approve the specific budget action items and recommendations discussed in the report, and represented in Attachments A & B of the Report; C) approve the Revised Extraordinary Budget Control Policies, Attachment C of the Report, and the specific additional exemptions to the hard hiring freeze as identified in the report; and, D) continue to stress revenue attainment and expense savings in order to maximize year-end Fund Balances. Motion carried unanimously.
Recess/Reconvene	The Chairperson recessed the regular meeting at 11:45 a.m., to reconvene in open session at 1:00 p.m., with all Board Members present.
Board Member and Staff Reports	The Board Members reported on their activities during the preceding week, including a First Five meeting, a Lone Pine Library meeting, an update on the Mt. Whitney Fish Hatchery, a meeting with Caltrans staff, an RCRC Executive Board meeting, a Housing Element meeting, and a stimulus funding update.
Sheriff/Use of COPS Monies	The Chairperson opened the public hearing at 1:15 p.m., on the intended use for the "Citizen's Option for Public Safety" (COPS) monies during FY 2008-09. Sheriff Lutze reviewed the Staff report and recommendations regarding using the COPS funds to support law enforcement efforts. There was no public comment or input regarding this item. The Chairperson closed the public hearing at 1:20 p.m. Moved by Supervisor Cash and seconded by Supervisor Arcularius to accept and approve the use of COPS monies for personnel, equipment and programs that are necessary to support the needs of front line law enforcement as recommended by Staff. Motion carried unanimously.
P.W./Projects for Federal Stimulus Funds	The Public Works Director, Mr. Ted Pedersen, reviewed Staff's recommendations of projects to be submitted for federal stimulus funding. He said that the last five projects on the list did not qualify for funding and that the North Barlow Project is being recommended using RSTP funding. He went on to explain that the top five projects were not yet engineered but he felt they could be ready to go out to bid in the required 90-100 days. In response to a question from Supervisor Brown, Mr. Pedersen confirmed that the Sunland/Shoeber Lane project is engineered and does qualify. The Board Members discussed the recommendations in detail and talked about continuing the item to next week in order to provide staff an opportunity to re-evaluate staff recommendations to include information brought forward during today's discussion. Moved by Supervisor Cash and seconded by Supervisor Fortney to continue the request for review and approve the list of local street and road projects that qualify for funding as part of the "Economic Stimulus Bill, to next week. Motion carried unanimously.
Recess/Reconvene	The Chairperson recessed the regular meeting at 1:50 p.m., to reconvene in a coordination meeting with Forest Service personnel at 2:00 p.m.

Forest Serv/
Coordination
Meeting

The Chairperson convened at 2:00 p.m., in a separate Coordination Meeting with the U.S. Forest Service, with all Board Members present, as well as Mr. Jim Upchurch, Inyo Forest Supervisor and Ms. Margaret Wood, White Mountain District Ranger. The Chairperson of the Inyo County Board of Supervisors chaired this meeting. The Chairperson announced the public comment period and there was no public comment forthcoming.

Mr. Upchurch indicated that the economic analysis contained in the DEIS was conducted by the Vallejo Office and that it was consistent with the format used across California. The Board noted that the County did not receive the economic information until the first part of this week, with Mr. Upchurch explaining that it had been sent priority. The Acting Planning Director, Mr. Doug Wilson, explained that because the information was not received until recently, he is still in the process of reviewing it. Mr. Upchurch said that the survey, which provided the information for the DEIS analysis was conducted in 2002 and that there was another more recent survey conducted in 2006. He went on to provide the Board with a copy of the 2006 information, saying that it was raw data that he was still reviewing. Mr. Upchurch said that neither the activity on the roads nor the economic analysis will drive the decision on the closure of the road, that it is the roadless criteria that will drive the closure. The Board expressed their concern that the Forest Service did not conduct coordination with the County on the economic analysis, which is contained in the DEIS and questioned how the information contained in the 2006 survey could be substituted or included in the final EIS without it triggering a new or extended deadline for comments. Mr. Wilson said that the economic information and activities should be broken down by county and not combined. He pointed out that interests vary greatly between the counties of Inyo and Mono. The Board questioned why roads, which were only being used one or two times a year were being closed when there was clearly no danger to the habitat from that very limited activity. They expressed concerns that (a) the data is supposed to be readily available but it cannot be accessed on the web, and (b) the format is confusing because the data does not match the information on the charts, which brings up the accuracy of other portions of the document. The Board also asked about the criteria to be used to close a road. Mr. Upchurch reiterated that the Forest Service does not intend to close any road unless it falls under the criteria of "roadless." The Board and Mr. Upchurch continued to discuss the impact of the road closures on the economy of Inyo County. They also discussed Concentrated Recreation Areas and the roads or portions of roads, which are not included in this Plan that have been used for years and which need to be identified, reopened and considered for closure through the legal closure process. The Board noted that many of the older roads were established before recreational activities became a viable activity in the Forest, that these roads were established for activities like mining, ranching, logging and now have no value in the DEIS and are either closed or flagged for closure. The Board pointed out that these roads have socio-economic value to the County and the Forest Services' disregard of their value in the DEIS is upsetting to a large number of the County's residents and citizens. The Board wanted to have an opportunity to review the most recent economic information provided by the Forest Service and talked about having another meeting before April 1, 2009. The County Administrator said that more information regarding the economic analysis is needed. He went on to say that while the 2006 economic information would be turned over to County Staff the model does not meet the needs of the Inyo County General Plan and needs to be consistent with the Economic Plan of the County. Mr. Wilson stated that he would be getting together with the Forest Service to discuss the DEIS in relation to the Inyo County General Plan. Mr. Upchurch reiterated that while he understands the County Administrator's concern over the economic analysis, the outcome will not determine the road closure and said that he feels the County's time would be better spent on analysis of individual roads of concern. After further discussion it was determined that a Special Meeting would be called for March 12, 2009, at the U.S. Forest Service Office at 9:00 a.m., to continue discussions on the Travel Management Plan and the economic analysis information contained in the DEIS and provided by the Forest Service, as well as further discussion on Concentrated Recreation Areas, roads not included in this Plan and a review of the Forest Supervisors decision making criteria. The Chairperson announced the second public comment period and there was no one from the public wishing to address the group. The Chairperson adjourned the Coordination Meeting at 4:45 p.m., to reconvene the regular meeting of the Board of Supervisors.

Public Comment

The Chairperson announced that today's meeting was being adjourned in memory of Earnest Kinney who passed away last week and went on to open the second the public comment period and there was no one from the public wishing to address the Board.

- Closed Session The Board convened in closed session to discuss and take action as appropriate on Agenda Items No. 17. **PERSONNEL [Pursuant to Government Code §54957]** - Public Employee Appointment - Title – Planning Department Director and No. 18. **CONFERENCE WITH LABOR NEGOTIATOR (Pursuant to Government Code §54957.6)** – Instructions to Negotiators re: wages, salaries and benefits – Title: Planning Department Director - Negotiator – as designated by the Board of Supervisors.
- Report on Closed Session The Chairperson recessed closed session at 4:50 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 Earnest Kinney a long time Inyo County resident and famous local artist who passed away last week. The meeting was adjourned at 4:50 p.m., to 9:00 a.m., Tuesday March 10, 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