

MINUTES

County of Inyo Board of Supervisors

April 14, 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, April 14, 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 Arcularius led the Pledge of Allegiance.

- Public Comment The Chairperson announced public comment 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. Jon Klusmire, Museum Director, updated the Board on the upcoming Norman Clyde Exhibit. Dr. Bob Harrington, Director of the Inyo County Water Department, updated the Board on the recent Technical Group Meeting. Mr. George Milovich, Agricultural Commissioner, updated the Board on concerns associated with the current drought situation.
- Post Agenda/
Sheriff Stimulus
Grant App. Moved by Supervisor Arcularius and seconded by Supervisor Cash to find that the need to consider a COPS grant arose after the Agenda for the April 14, 2009 Board of Supervisors Meeting was posted and there is a need for the Board to take action on this item prior to the next regularly scheduled Board Meeting, therefore this item is added as Agenda Item No. 26A. Motion carried unanimously.
- Resol. #2009-14/
L.P. Park Notice of
Completion On a motion by Supervisor Fortney and a second by Supervisor Cash, Resolution No. 2009-14 was approved, accepting the improvements at the Lone Pine Park and authorize the Recording of a Notice of Completion for the project: motion unanimously passed and adopted.
- HHS-Soc. Serv./
In-Home Support
Services Employer
of Record
Contract Moved by Supervisor Fortney and seconded by Supervisor Cash to approve the Contract between the County of Inyo and Life Remedies and Celebrations, a nonprofit entity, to provide mandated Employer of Record services to In-Home Supportive Services providers, for the period of July 1, 2009 through June 30, 2012, in an amount not to exceed \$283,941, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign. Motion carried unanimously.
- HHS-Hlth. Serv./
AIDS CARES
Contract
Amendment Moved by Supervisor Fortney and seconded by Supervisor Cash to approve Amendment No. 3 to the Agreement between the County of Inyo and the State of California Department of Public Health, AIDS Consortium-Ryan White CARES Program, decreasing the grant amount by \$15,000 to a total amount of \$193,532 for the period of April 1, 2007 through March 31, 2010; and authorize the Chairperson to sign. Motion carried unanimously.
- P.W./Eastern
Sierra Engineering
Contract
Amendment Moved by Supervisor Fortney and seconded by Supervisor Cash to approve Amendment No. 7 to the Contract between the County of Inyo and Eastern Sierra Engineering for engineering services, increasing the Contract amount by \$29,000, for materials testing for the Ed Powers and Red Hill Roads Improvement Project, for a total Contract amount not to exceed \$415,000, and authorize the Public Works Director to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
- Road Dept./Fed.
Apportionment
Exchange
Program Moved by Supervisor Fortney and seconded by Supervisor Cash to approve the 2008/2009 Federal Apportionment Exchange Program Agreement with the California Department of Transportation in the amount of \$673,353 plus a State match of \$100,000 for a total amount of \$773,353; and authorize the Chairperson to sign. Motion carried unanimously.

Closed Session	The Chairperson recessed open session at 9:12 a.m., to convene in closed session, with all Board Members present to discuss and take action as appropriate on Agenda Item No. 3. <i>CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION (Pursuant to Government Code §54956.9(a) – In the Matter of Authorization to Construct a Geologic Repository at Yucca Mt., NRC Docket No. 63-001; CLI-08-25.</i> The Chairperson recessed closed session at 9:55 a.m., to reconvene in open session, with all Board Members present.
Planning Dept. Update	The Acting Planning Director, Mr. Doug Wilson, updated the Board on the Department’s activities during the preceding week, including upcoming actions concerning Billy Mine and notification that the information concerning the COSO Appeal should be distributed to the Board sometime in the next couple of days.
Planning-Yucca Mt./Socio-Economic Analysis Study	The County Administrator, Mr. Kevin Carunchio, provided additional information and further clarification regarding the request to accept a proposal for the study of the adequacy of the DOE’s socio-economic analysis of the impacts of the Yucca Mountain Repository. The County Administrator also requested that the motion reflect authorization for the CAO to sign rather than the Chair, which was incorrectly reflected on the Agenda. Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to A) approve a letter to Gruen, Gruen & Associates accepting the proposal to study the adequacy of the Department of Energy socio-economic analysis of the impacts of the Yucca Mountain nuclear waste repository in an amount not to exceed \$20,000 and authorize the County Administrator to sign; and B) amend the FY 2008-09 Yucca Mountain Oversight Budget Unit 620605 by increasing Professional and Special Services (<i>Object Code #5265</i>) by \$20,000. Motion carried unanimously.
Planning-Yucca Mt./Letter Request for One Year Contract Extension	Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve the letter requesting a no cost one year extension of time to the U.S. Department of Energy’s Cooperative Agreement with the County of Inyo, direct Staff to submit Appendix D—Revision 3 of the Cooperative Agreement with the letter; and authorize the Chairperson to sign. Motion carried unanimously.
Planning/Scoping Comment Pahrumpp Airport Project	The Board and Staff discussed the draft letter providing scoping comments on the proposed Pahrumpp Valley General Aviation Airport. Moved by Supervisor Fortney and seconded by Supervisor Cash to approve the letter in response to the Request for Scoping Comments Regarding Environmental Issues of Concern—Environmental Assessment for Proposed Airport Land Lease and Airport Construction—Pahrumpp Valley General Aviation Airport, Pahrumpp, Nevada; and authorize the Chairperson to sign. Motion carried unanimously.
Ag. Comm/Livestock Feasibility Study W/S	The Chairperson recessed open session at 10:10 a.m., to convene in a workshop, with all Board Members present, on the Livestock Feasibility Study presented by Mr. Jeff Schahczenski of the National Center for Appropriate Technology. The Chairperson recessed the workshop at 11:10 a.m., to reconvene in open session at 11:15 a.m.
Probation/Truancy Ordinance	The Chairperson opened the public hearing at 11:15 a.m., on an ordinance entitled “An Ordinance of the Board of Supervisors, County of Inyo, State of California, Adding Chapter 9.68 School Truancy Prohibited to Section VIII of Title 9 of the Inyo County Code.” The Chief Probation Officer, Mr. Jeff Thomson, reviewed the ordinance in detail. The Board noted several clerical corrections that needed to be made to the ordinance. The Board and Mr. Thomson went on to discuss some of the exclusions contained in the draft ordinance, with the Board expressing their concern that the parents’ rights to govern their children’s absences from school are not protected to the same level as other entities like the schools. The Board and Staff discussed specific examples of situations where the parent’s authority would be superseded by the ordinance. Sheriff Lutz provided additional information concerning the types of situations whereby the ordinance would be enforced, stressing that this ordinance will enable law enforcement and the schools to be proactive in addressing truancy of at risk students before habitual truancy a serious problem. The Board also discussed the enforceability of this ordinance on the reservations. Staff confirmed that this ordinance would not be enforceable on the reservations. The Board expressed concern that the reservations, two of which abut local schools could become a place where truant children would congregate. Chief Thomson and Mr. Paul Bruce, County Counsel, noted that efforts to work with the Tribes to have similar ordinances adopted are on going. Mr. Bruce clarified that should the Tribes enact truancy ordinances the enforceability of those ordinances would only apply to the native American children residing on the reservation. He went on to say that in order for it to impact non-native American children the reservations would have to cite children as “trespassers.” Mr. Chris Langley of the Inyo County School Board addressed the Board to support the adoption of the ordinance and to convey the Superintendent of Schools support of the ordinance. Mr. Joel Hampton, Owens Valley School

Superintendent also addressed the Board to support the adoption of the ordinance. The Board and Staff continued to discuss the exceptions, with County Counsel providing the Board with a copy of the Education Code referred to under the exceptions section of the ordinance. After a lengthy and detailed discussion the Board requested that the ordinance be changed to incorporate a statement specifying the parents rights under the exceptions section of the ordinance. The Chairperson closed the public hearing at 12:15 p.m. A motion was made by Supervisor Arcularius and seconded by Supervisor Fortney and withdrawn by the motion makers to bring the ordinance back with changes to the exception section to duplicate the statement made in California Education Code §48205(a) after further discussion and clarification of what that statement was excluding. Supervisor Cash asked that consideration be given to adding a very specific exception, which protects the parental authority as it relates to absences from school. The remaining Board Members agreed with Supervisor Cash and County Counsel suggested language that would satisfy the Board's wishes in that regard. Moved by Supervisor Arcularius and seconded by Supervisor Cash to direct Staff to bring back the Truancy Ordinance with the addition of the following statement as item (a) under the exception section: "When a minor is with and under the direct supervision of a parent or legal guardian" and further direct that the clerical errors be corrected. Motion carried unanimously.

Recess/
Reconvene The Chairperson recessed the regular meeting at 12:30 p.m., to reconvene in open session at 1:15 p.m., with all Board Members present.

Integ. Waste/
Calif. Product
Stewardship
Council Mr. Chuck Hamilton, Deputy County Administrator, introduced the representative of the California Product Stewardship Council who made a presentation on the organization which is a coalition of local governments and associations to shift product waste management from government-funded and ratepayer financed waste diversion to producers reducing public costs.

Recess/
Reconvene The Chairperson recessed the regular meeting at 2:15 p.m., to reconvene at 2:20 p.m., in a workshop with all Board Members present.

Parks/LADWP
Quagga Mussel at
Klondike Lake The Board met in a workshop with representatives of the City of Los Angeles Department of Water and Power (DWP) on the quagga mussel and its impact on Klondike Lake. The Chairperson closed the workshop at 3:10 p.m., to reconvene in open session with all Board Members present.

BoS/Altrusa
Proclamation Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve a proclamation regarding the Altrusa International District Eleven Conference, to be held at the Tri-County Fairgrounds, April 16 through 19, 2009. Motion carried unanimously.

Resol. #2009-15/
JAG Grant
Application The County Administrator and the District Attorney provided additional information and further clarification on the JAG grant, with the County Administrator explaining that this grant is seeking funds to relieve the General Fund dollars being used to fund the INET program. Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to approve the application for Recovery Act funding under the Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$36,659. Motion carried unanimously. On a motion by Supervisor Cervantes and a second by Supervisor Arcularius, Resolution No. 2009-15 was approved authorizing the District Attorney to sign the grant application and grant award and any grant extensions or amendments on behalf of the County: motion unanimously passed and adopted.

P.W./ARRA Project
Funding Requests The Public Works Director, Mr. Ted Pedersen, discussed the ARRA funding break down. He explained that the City of Bishop is requesting an increase in their allocation for the Hanby Project. He also reviewed Staff's recommendation that the County's portion be used on the North Barlow Lane Improvement project. Supervisor Cervantes strongly opposed the use of the funds for the Bishop Project saying that he felt the Whitney Portal Road Improvement Project was a higher priority. Supervisor Arcularius clarified that while this project is in her district her support of the recommendation to use the funds for the Barlow Lane Project is based on the fact that the LTC, which Supervisor Cervantes is a member of and who had supported the recommendation, has prioritized this project. Supervisor Arcularius also noted that the Barlow Lane Project is already a STIP programmed project and is shovel ready thus it qualifies for this funding as opposed to the Whitney Portal project which has not yet been programmed. The Board discussed the LTC's role in the recommendation, with Supervisor Brown confirming, along with LTC staff member, Mr. Courtney Smith, that the Barlow Lane Project was the LTC's priority for this funding. Supervisor Cervantes continued to disagree with the recommendation because he wanted the Whitney Portal Road Improvement Project prioritized for this funding.

Moved by Supervisor Arcularius and seconded by Supervisor Cash to authorize the North Barlow Lane improvement project that will include work on Dixon Lane and Saniger Lane to be the Inyo County roadway rehabilitation project(s) to be submitted for the American Recovery and Reinvestment Act (ARRA) Surface Transportation Program (STP) funding. Motion carried on a four-to-one vote, with Supervisors Arcularius, Cash, Brown, and Fortney voting yes, and with Supervisor Cervantes voting no.

P.W./Blueprinting, 395 Corridor and Land Tenure Grants Mr. Courtney Smith, Transportation Planner, provided additional information and further clarification on the Blueprint Planning Grant, U.S. Highway 395 Corridor Enhancement Grant, and the Land Tenure Grant. He explained how planning efforts for these three grants had merged. He also informed the Board that in the future the State would be requiring the blueprint concept for projects. The Board and Staff discussed the various aspects of these grants, with Supervisor Arcularius expressing her concern that the State is attempting to usurp local land use authority through this type of regional grant processes. Supervisor Cash clarified that when she had attended the last meeting of the Land Tenure group, she had been surprised to see that the process had morphed into a group that was addressing the three different grants. She went on to say that she had felt uncomfortable, along with several other entities, participating because the Board had appointed her to serve only on the Land Tenure group. The Board and staff discussed the three grants, with the Board directing Supervisor Cash to participate in only the Land Tenure Grant process and further directing that the LTC keep the Board informed as the progress on the other two grants processes proceed.

Recess/Reconvene The Chairperson recessed the regular meeting at 3:55 p.m., to reconvene in open session at 4:00 p.m., with all Board Members present.

Water Dept./Items for 4-23-09 Standing Comm. The Inyo County Water Director, Dr. Bob Harrington, provided additional information on the activities surrounding the items to be discussed at the April 23, 2009 Inyo County/Los Angeles Standing Committee meeting. He explained that information is still being developed on some of the items and recommended the Board postpone direction until next week. He went on to review the draft agenda items, and asked the Board if they wanted any other items added, such as Klondike Lake. The Board said that they would expect any item on Klondike to come from DWP. The Board postponed direction to the County's Standing Committee representatives to Tuesday, April 21, 2009, regarding items to be discussed at the April 23, 2009 Inyo County/Los Angeles Standing Committee meeting, to be held in Los Angeles.

Integ. Waste/Diesel Particulate Emission Control Filter The Deputy County Administrator, Mr. Chuck Hamilton, explained that the diesel particulate filter being proposed for purchase would bring the piece of equipment into State compliance for the time being. In response to a question from the Board, he explained that this was the beginning of bringing the County's Integrated Waste equipment into compliance. The Board noted that while with this purchase the piece of equipment will meet State standards, the State's mandates are based on current technology, which means compliance is based on an ever changing scale. Moved by Supervisor Cash and seconded by Supervisor Fortney to A) approve the purchase of a diesel particulate emission control filter from Smith Power Products, Inc., in an amount not to exceed \$22,589 to be installed by the vendor on an 850 John Deere Dozer; and B) amend the 2008-09 Solid Waste Budget Unit 045700 by increasing appropriations in Equipment (*Object Code #5650*) by \$2,000 and decreasing appropriations in Maintenance of Equipment (*Object Code #5171*) by \$2,000. Motion carried unanimously.

Integ. Waste/Tire Amnesty Event Moved by Supervisor Cash and seconded by Supervisor Arcularius to authorize Inyo County Integrated Waste Management to conduct a two-day Waste Tire Amnesty Event on Friday, May 1, 2009 and Saturday, May 2, 2009, and waive all disposal fees associated with the event. Motion carried unanimously.

Parks/Campground Host Program Moved by Supervisor Fortney and seconded by Supervisor Arcularius to approve the Code of Conduct to be incorporated into the Inyo County Campground Host Program. Motion carried unanimously.

Parks/Part Time Seasonal Employee OK The Deputy County Administrator, Mr. Chuck Hamilton reviewed the Staff recommendations regarding the request to hire a part-time seasonal maintenance worker to cover the new DWP requirement for boat inspections at Diaz Lake. Mr. Hamilton reviewed the proposed Diaz Lake boat ramp closure schedule. The Board requested that Mr. Hamilton query DWP regarding the possibility of them providing signage which explains the reasons for ramp closures and boat inspections.

Moved by Supervisor Cash and seconded by Supervisor Arcularius to lift the current hiring freeze and authorize Parks and Recreation to fill a six-month seasonal maintenance position, at Range 42 (B) \$11.75 per hour, contingent upon the Board's adoption of a FY 2009-10 budget. Motion carried unanimously.

Emergency Serv./
Oak Creek Emerg.
Continued The County Administrator recommended that the emergency be continued for the reasons discussed during previous meetings. 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.

Sheriff/Hiring
Recovery Program
Grant Sheriff Bill Lutze provided additional information and further clarification on the request for authorization to submit a COPS Hiring Recovery Program Grant application. He explained that this funding is Fed stimulus funds and will provide funding to cover the costs of two frozen deputy positions. The County Administrator confirmed that this grant will not be funding increases in authorized strength, but will be covering the salaries for already existing positions. Moved by Supervisor Cash and seconded by Supervisor Fortney to authorize the submittal of the competitive COPS Hiring Recovery Program (CHRP) Grant application for funding to fill two frozen entry-level deputy positions, at Range 67 and authorize Sheriff Lutze and the County Administrator, Mr. Kevin Carunchio, to sign and submit the grant. Motion carried unanimously.

Fish and Game/
Eastern Sierra
Wildlife Care
Allocation The Board discussed the request by the Eastern Sierra Wildlife Care for an expenditure from the fine fund. Supervisor Fortney explained why he was not in support of this request. The Board discussed Supervisor Fortney's concerns and the possibility of conveying to the applicant that this is not a funding source for on-going operations. The Board also talked about the need to get the word out to local organizations to let them know about this funding source. Moved by Supervisor Cash and seconded by Supervisor Arcularius to approve a \$2,500 expenditure from the Inyo Fine Fund to the Eastern Sierra Wildlife Care for the care and feeding of orphaned, sick and injured animals and birds, contingent upon the submittal of verified expense receipts and to authorize the Chairperson to send a letter to the Inyo-Mono Fish and Game Advisory Commission to request that they conduct community outreach to let the public know about project funding opportunities through the fine fund. 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 5:03 p.m., to reconvene in closed session, with all Board Members present, to discuss and take action as appropriate on Agenda Item No. 29. **PERSONNEL (Pursuant to Government Code §54957)** – Public Employee Appointment – Title: Director of Planning. The Chairperson recessed closed session at 5:35 p.m., to reconvene in open session to receive a report on closed session.

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 5:35 p.m., to 9:00 a.m., Tuesday, April 21, 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