

April 28, 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 28, 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 Cash led the Pledge of Allegiance.

- Public Comment The Chairperson announced the public comment period and there was no one wishing to address the Board
- County Department Reports The Chairperson announced the County Department Report period. Dr. Bob Harrington, Inyo County Water Director, reported on the outcome of the Inyo/LA Standing Committee Meeting held last week in Los Angeles. Ms. Jean Dickinson, Director of Health and Human Services updated the Board on the "swine flu" epidemic.
- HHS-First Five Comm./Board Appointments Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to appoint the following complete three year terms on the Inyo First Five Commission ending February 1, 2012: (a) Ms. Rande Arcularius, representing the parent receiving services category and (b) Marie Santos, representing the educator specializing in early childhood development category. Motion carried unanimously.
- P.W./DBE Agreement Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to approve the Disadvantaged Business Enterprise Program Implementation Agreement for Local Agencies and Inyo County Annual Anticipated Disadvantaged Business Enterprise Participation Level Annual Submittal Form for June 1, 2009 through September 30, 2010; and authorize the Chairperson to sign. Motion carried unanimously.
- P.W./Eastern Sierra Engineering Contract Amendment Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to approve Amendment No. 8 to the Contract between the County of Inyo and Eastern Sierra Engineering, for engineering services, increasing the amount by \$25,000 for materials testing services for the Schabbell Lane Improvement Project, to a total Contract amount of \$440,000, contingent upon the Board's adoption of future budgets and authorize the Public Works Director to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
- P.W./MHA/RMT Environmental Services Contract Amendment Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to approve Amendment No. 5 to the contract between the County of Inyo and MHA/RMT for environmental consulting services, increasing the amount by \$48,000 for environmental monitoring services for the Schabbell Lane Improvement Project, for a total Contract amount of \$348,000, contingent upon the Board's adoption of future budgets; and authorize the Public Works Director to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
- Rd. Dept./Line Street Road Yard Lease Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to approve and ratify the Lease Agreement between the County of Inyo and the Los Angeles Department of Water and Power for the period of March 1, 2009 through February 28, 2014, for the Line Street Road Yard, located at 3236 West Line Street, at the rate of \$500 per year plus property tax, 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.
- CAO-Info Serv./ Verizon Agreement Information Services Director, Mr. Brandon Shults, explained that Verizon had contacted him to say they were sending a new Agreement to reflect different dates than the one submitted for approval. He asked the Board to approve the new contract contingent upon the appropriate signatures being obtained. Moved by Supervisor Cash and seconded by Supervisor Arcularius to approve and accept Arrangement with Verizon for local telephone service and related services (such as voice mail) for the period of April 26, 2009, through April 26, 2012, 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.

Planning Dept. Updated	The Interim Planning Director, Mr. Doug Wilson, addressed the Board for his final report as the Interim Planning Director. He thanked the Board for their support during the past year. He informed the Board that the County has received an appeal of the Planning Commission's approval of the Whitney Portal Project, which has been scheduled for May 19, 2009. He reported on the Charleston View Project, explaining that two building permits have been issued for a much smaller project than originally discussed. He said there is still interest in the larger project on the part of the developers, but at the present time they are only proceeding with the two permits.
BofS/Silver Star Banner Day Proclaimed	Moved by Supervisor Cash and seconded by Supervisor Fortney to approve a proclamation proclaiming appreciation for Silver Star Families of America and May 1 st as Silver Star Banner Day, the official day to honor the wounded and ill soldiers of Inyo County. Motion carried unanimously.
BofS/Travel and Expense Reimbursement Policy Resolution	Supervisor Brown introduced the revised Travel and Expense Reimbursement Policy being submitted for consideration. She explained that with the assistance of the Auditor-Controller and County Counsel the policy has been rewritten to clean up some inconsistencies in the current policy, and to clarify Board of Supervisors travel. She corrected the Agenda by explaining that the Board will review the resolution and not approve it as noted in the Agenda. Ms. Leslie Chapman, Auditor-Controller explained that the Travel Policy has not been revised since 1998 and it needed to be updated. Supervisor Brown led the discussion by asking that because of the length of travel for Board Members to attend annual conferences for the organizations they belong to, and other travel requirements of the Board, that the 3-day limit for individual Board approval be increased. The Board discussed the number of days and it was the consensus of the Board that 3 days be changed to 7 days. Several Board Members questioned the change in the Board's ability to be reimbursed for their mileage while in County. Supervisor Brown explained that it was never her intent that the revised policy would eliminate the Board's in-County mileage reimbursement. After further discussion with Staff, it was the consensus of the Board that the policy be revised to provide for members of the Board of Supervisors to be reimbursed for their in-County mileage, as well as out-of-County mileage. The Board and Staff discussed the policy in great detail and at length. With regard to the elimination of travel in private aircraft, County Counsel, Mr. Paul Bruce, explained that when an employee travels in their personal vehicles they are required to provide proof of insurance to the County's limits and that the employee's insurance is the primary insurance, with the County being the secondary insurer. He explained that the FAA requires pilots to have a commercial pilot's license and commercial insurance when they transport passengers for business. He said the Risk Manager advised that today's private aircraft insurance is written so that the coverage excludes all but personal and recreational travel, therefore the private aircraft is not insured for commercial flights. The County would become the primary insurer should employees be allowed to use their aircraft for County business, and the County's insurance does not provide coverage in those instances, therefore that type of travel was not allowed in the new policy. Because of scheduled timed items on today's agenda and because of the duration of the discussion on the Travel and Expense Reimbursement Policy, the Chairperson announced that the Board would continue their discussions on this item later in the day.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 10:30 a.m., to reconvene in open session at 10:45 a.m., with all Board Members present.
Planning/Public Hearing GPA and ZR Ordinance 2009- 02/Kemp	The Chairperson opened the public hearing at 10:45 a.m., on General Plan Amendment No. 2009-01 and an ordinance entitled "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Approving Zone Reclassification No. 2009-02 (Kemp) and Amending the Zoning Map of the County of Inyo by Changing the Existing Zoning on Two Approximately 2.5-Acre Sites Adjacent to Indian Springs Drive (Portion of Existing Assessor Parcel Number 026-150-06) and an Approximately 3.01-Acre Site at the End of Hunter Road (Portion of Existing Assessor Parcel Number 026-150-08) from Open Space with a 40-Acre Minimum Parcel Size (OS-40) to Rural Residential with a 2.5-Acre Minimum Parcel Size (RR-2.5)" approving Zone Reclassification No. 2009-02 (Kemp). Mr. Josh Hart, Senior Planner, reviewed the staff report and recommendations. Mr. Andy Holmes of Triad Engineering addressed the Board to support the project and the Board's approval of the actions before them. There was no one further wishing to support or oppose this project. The Chairperson closed the public hearing at 10:55 a.m.
Resol #2009-16/ GPA 2009-01/Kemp	On a motion by Supervisor Arcularius and a second by Supervisor Cash, Resolution No. 2009-16 was adopted, making certain findings with respect to General Plan Amendment No. 2009-01 and Zone Reclassification No. 2009-02, finding the project exempt from the California Environmental Quality Act (CEQA), and adopting General Plan Amendment No. 2009-01/Kemp: motion unanimously passed and adopted.

Planning/Z.R. 2009-02/Kemp Moved by Supervisor Arcularius and seconded by Supervisor Cash to waive the first reading of the ordinance entitled "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Approving Zone Reclassification No. 2009-02 (Kemp) and Amending the Zoning Map of the County of Inyo by Changing the Existing Zoning on Two Approximately 2.5-Acre Sites Adjacent to Indian Springs Drive (Portion of Existing Assessor Parcel Number 026-150-06) and an Approximately 3.01-Acre Site at the End of Hunter Road (Portion of Existing Assessor Parcel Number 026-150-08) from Open Space with a 40-Acre Minimum Parcel Size (OS-40) to Rural Residential with a 2.5-Acre Minimum Parcel Size (RR-2.5)" and schedule the enactment of the ordinance for 10:00 a.m., on May 5, 2009, in the Board of Supervisors Room, at the County Administrative Center, in Independence. Motion carried unanimously.

Grand Jury/
Response to Interim
Report Supervisor Arcularius noted a correction on page 7 to change the word "plans" to "plants." Supervisor Cash thanked staff for the inclusion of the Government Code, which governs the County's response because it clarifies how the County's answers are to be presented. Moved by Supervisor Arcularius and seconded by Supervisor Cash to approve the report, as corrected, to Judge Dean Stout, presiding Judge, Inyo County Superior Court, responding to the findings and recommendations in the 2008-2009 Grand Jury Interim Report and authorize the County Administrator to sign the transmittal letter. Motion carried unanimously.

HHS/Workshop The Chairperson recessed open session at 11:00 a.m., to convene in a workshop with Health and Human Services Staff on Health and Human Services in the current economic climate. The Chairperson recessed the workshop at 11:38 a.m. to reconvene in open session with all Board Members present.

HHS-Sr. Program/
Linkages Services
Fee Ordinance The Chairperson opened the public hearing at 11:38 a.m., on an ordinance entitled "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Implementing Inyo-Mono Area Agency on Aging Linkages Services Fees." Ms. Denelle Carrington, HHS Fiscal Director, provided the Board with a revised ordinance, noting that the Title had been corrected to reflect Inyo-Mono Area Agency on Aging. Ms. Carrington reviewed the ordinance and confirmed that the fee schedule is required in order for the County to seek reimbursements for the services. She also confirmed that the program would not be implementing the fees. Moved by Supervisor Arcularius and seconded by Supervisor Cash to waive the first reading of the ordinance and schedule the enactment for 10:30 a.m., May 5, 2009, in the Board of Supervisors Room, at the County Administrative Center, in Independence. Motion carried unanimously.

Recess/
Reconvene The Chairperson recessed the regular meeting at 11:48 a.m., to reconvene in open session at 11:55 a.m., with all Board Members present.

DA/Temporary Part-
Time Attorney The District Attorney, Mr. Art Maillet, provided additional information and further justification for the request to authorize the hiring of a part-time attorney. He told the Board that as a result of a large embezzlement case, which included 4 defendants and massive numbers of documents, he needs to employ an attorney dedicated to just this case and who is experienced in these types of matters. He said they have already issued 12 search warrants in the matter. County Counsel, Mr. Paul Bruce, explained why the County has prosecutorial authority for crimes that occur on California Indian Reservations and also confirmed that the County will be responsible for providing Public Defender services in this matter if required. Supervisor Fortney asked why there is a hiring freeze if every week the Board is being asked to lift it and allow positions to be filled. The Board and Staff discussed the use of the phrase "hiring freeze" and its purpose with respect to the Budget Control Measures. Mr. Carunchio, County Administrator, reminded the Board that the Budget Control Measures that reference the hiring freeze provide for exceptions to the freeze by requiring certification by the Department Head that the funds for the position will be available next year and the Board's approval before the position can be filled. The County Administrator explained that by leaving budgeted positions vacant it will help to increase the fund balance at the end of the year and will provide opportunities to mitigate for layoff impacts if that should become necessary as a result of the State's Budget crisis. He told the Board that he would schedule a discussion with the Board regarding the hiring freeze and will delay any pending requests to fill positions until after the Board has an opportunity to more clearly define the parameters of the "hiring freeze." The Board agreed with the County Administrator's recommendation, but noted that they were unwilling to delay approval of the District Attorney's request. In response to a question by Supervisor Cash, Ms. Sue Dishion, Labor Administrator, confirmed that the pay for this position would be 10% higher as a result of premium pay for attorney positions. Mr. Maillett explained that because of the time needed to get this item before the Board, there will be only 6 weeks of salary required instead of the original 8 weeks, therefore adjustment to the budget amendment to cover the 10% is not needed

Moved by Supervisor Cervantes and seconded by Supervisor Cash to A) lift the hiring freeze and authorize the hiring of a temporary part-time attorney at range PT89 (\$44.42 per hour) for the remainder of FY 2008-09; and B) amend the FY 2008-09 County Budget as follows: increase appropriations in District Attorney Budget Unit 022400, Part Time Employees (*Object Code #5012*) by \$11,000, Social Security (*Object Code #5311*) by \$841.50 and General Operating (*Object Code #5311*) by \$10,000 and reduce appropriations in Contingencies/General Budget Unit 08700, Contingencies (*Object Code #5901*) by \$21,841.50. Motion carried unanimously.

Sheriff/In-Car Video Cameras, Dual Band Radios and Pepperball Ammo P.O. Authorization

Moved by Supervisor Fortney and seconded by Supervisor Cervantes to A) declare Digital-Ally a sole source provider of In-Car Digital Video Cameras and accessories and authorize the purchase of three In-Car Digital Video Cameras and accessories from Digital-Ally in an amount not to exceed \$15,196; B) Declare Nielsen's Equipment Maintenance a sole-source provide of Kenwood Dual Band Radios, low band antenna, coax and installation and authorize the purchase of two Kenwood TK790/TK690 Dual Band Radios, one antenna and coax and additional installation from Nielsen's Equipment Maintenance, in an amount not to exceed \$6,367; C) declare Adamson Police Products a sole-source provider of pepperball rounds and accessories and authorize the purchase of pepperball rounds and accessories from Adamson Police Products in an amount not to exceed \$3,720; and D) amend the FY 2009-09 Sheriff's general Budget Unit 022700 by increasing estimated revenue in Operating Transfer In (*Revenue Code #4998*) by \$25,283 and increasing appropriations in Law Enforcement Special (*Object Code #5313*) by \$3,720 and Vehicles (*Object Code #5655*) by \$21,563. Motion unanimously passed and adopted.

Recess/
Reconvene

The Chairperson recessed the regular meeting at 12:30 p.m., to reconvene in open session at 1:20 p.m., with all Board Members present.

BofS/Minute Approval

Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to approve the minutes of the April 14, 2009 Board of Supervisors Meeting. Motion carried unanimously.

Emergency Serv./
Oak Creek Mud
Flow Disaster
Cont'd.

The County Administrator recommended that the Oak Creek Mud Flow Disaster be continued for the reasons identified in previous meetings. Moved by Supervisor Fortney and seconded by Supervisor Arcularius to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.

CAO-Personnel/M.
Conklin Planning
Director Contract

Moved by Supervisor Arcularius and seconded by Supervisor Cash to approve the Contract between the County of Inyo and Michael S. Conklin for the provision of personal services as the Planning Director at a monthly salary of \$8,700, effective May 1, 2009 and authorize the Chairperson to sign. Motion carried unanimously.

Resol. #2009-17/
Changing Salaries
for Appointed
Officials

On a motion by Supervisor Arcularius and a second by Supervisor Cash, Resolution No. 2009-17 entitled "A Resolution of the Board of Supervisors, County of Inyo, State of California, Amending Resolution 2009-06, Changing Salary and/or Terms and Conditions of Employment for Appointed Officials Employed in the Several Offices or Institutions of the County of Inyo," was adopted: motion unanimously passed and adopted.

Water Dept./
Reorganization and
Hiring Approval

The Water Director reviewed the request to reorganize the department. He explained that the positions he's proposing to delete were vacant and one of the new positions being proposed was exempted from the hiring freeze. He also explained that he was not adding Water Department Senior Scientist position to the authorized strength, he was only creating the position. The Board and staff discussed the requirement that the Scientist position have specific knowledge of the area and it was decided to use the following "plus three years governmental experience, Inyo County experience desirable." Moved by Supervisor Cash and seconded by Supervisor Arcularius to A) create the following positions and approve the job descriptions for Mitigation Projects Manager, Range 80 (\$5,085 - \$6,185) (FSLA exempt), the series of a Water Department Scientist, Range 80 (FSLA exempt), and a Water Department Senior Scientist, Range 82 (\$5,343 - \$6,650) (FSLA exempt), with the job description amended, and Field Program Coordinator, Range 70 (\$4,017 - \$4,885); B) change the authorized strength by deleting the following positions: a Research Hydrologist at Range 82, a LORP/Environmental Coordinator at Range 70, a Vegetation Scientist at Range 80, and a Revegetation Project Coordinator at Range 70; and adding the following positions: a Mitigation Projects Manager at Range 80, a Water Department Scientist at Range 80, and a Field Program Coordinator at Range 70; and C) lift the hiring freeze and authorize the recruitment and filling of a Mitigation Projects Manager at Range 80, a Water Department Scientist at Range 80 and a Field Program Coordinator at Range 70, contingent upon the Board's adoption of future budgets. Motion carried unanimously.

Water Dept./
Response to DWP
2009-2010
Operations Plan

Dr. Bob Harrington, Inyo County Water Director, presented the Board with staff's recommendations to respond to the LADWP's Draft Owens Valley Operations Plan for Runoff Year 2009-2010. He said that the first response refutes DWP's attempts to treat this document as confidential. Dr. Harrington explained that the Operations Plans have never been confidential and this year's plan is no different. Dr. Harrington said that the County has received a change from DWP in that they now want to increase the amount of pumping in the Taboose/Aberdeen well field from 200 acre feet to 550 acre feet. Supervisor Fortney indicated that he did not want any additional water pumped from that area. The Board and staff continued to discuss the plan, with the Board agreeing with the recommendations, including amending the letter to include the County's position to only pump 200 acre feet in the Aberdeen area. The Board also asked to be informed regarding Dr. Harrington's meeting with DWP concerning the over pumping from last year. Dr. Harrington also explained that Table 4 numbers are incorrect and DWP has been notified and it is being corrected.

Recess/
Reconvene

The Chairperson recessed the regular meeting at 2:25 p.m., to reconvene in open session at 2:35 p.m., with all Board Members present.

Travel Policy Cont'd.

The Board and staff continued their discussion regarding the new Travel and Expense Reimbursement Policy at length and in detail, including a desire to get input on the resolution from non-represented employees and members of the public; the need to address the use of private aircraft in the policy before it goes to the employee bargaining units; and the timeline for the meet and confer process. The Board said that they wanted staff to gather the information and comments from the non-represented officers and employees and the public, conduct a workshop with the Board on how the use of private aircraft will be addressed in the policy, and bring it back for Board consideration before it is sent through the meet and confer process with the bargaining units. At the conclusion of the discussion, County Counsel reiterated the changes the Board was requesting and suggested a motion be made to formalize the Board's requests. The changes are as follows:

Page 3. Section 4A 2. insert language to reflect "except for the members of the Board of Supervisors and appointed members of County Boards, Committees and Commissions." (The intent of this addition is that the Board of Supervisors will get mileage reimbursement for travel from their home office to their work location, wherever that may be, including meetings, and adding the appointed members of County Boards, Committees and Commissions language because the Board does not feel that an unintended consequence of the revision of this policy is that it actually costs those people who are appointed by the Board to serve.)

Page 4. Section 5A and 5B the word "shall" will be changed to the word "requires the approval."

Page 5. Section 6A in two spots notations about period of time not exceeding 3 days will be changed to 7 days and in 6A and 6B the word "shall" will be changed to "is required to be"

Page 6. Paragraph D 1. where it refers to 3 days that will now read 7 days.

Page 7. Paragraph 3c. add language to ensure that standard baggage charges are included to the list of items requiring receipts for reimbursement, and that standard baggage charges is limited to two bags.

Page 7. Paragraph 4. the word "shall" will be reworded to be "will be required to..."

Page 8. Section 8A include in the second sentence the use of private automobiles including motorcycles and in the last sentence of 8A add "authorized private automobile usage, including motorcycle, shall be reimbursed rather" than "vehicle." Additionally add language in 8A to make it clear that mileage reimbursement does not apply to the passengers in the vehicle when one or more than one County officers or employees are traveling by private automobile, only the owner of the vehicle will be entitled to mileage reimbursement.

Page 10. Section 10 A add to list of incidental expenses standard baggage charges limited to two bags.

On the last page strike the word "roll call vote" and replace with "by the following vote."

Moved by Supervisor Arcularius and seconded by Supervisor Fortney to direct staff (a) to make the changes to the draft resolution entitled "A Resolution of the Board of Supervisors, County of Inyo, Rescinding Resolution No. 98-24, and Establishing a Travel and Expense Reimbursement Policy for Inyo County Officers and Employees," that were outlined during today's discussion (as noted above), (b) that those changes appear in a draft policy to be made available to all County officers and employees and the public, via the County's web site; and (c) that the revised resolution be brought back to the Board of Supervisors in two weeks for consideration of any comments and direction to the Inyo County Personnel Department to meet and confer with the Employee Bargaining Units concerning any impacts on employees that may occur from implementing this resolution. Motion carried unanimously.

- Recess/
Reconvene The Chairperson recessed the regular meeting at 4:25 p.m., to reconvene in open session at 4:30 p.m., with all Board Members present.
- Board Members and
Staff Reports The Board Members reported on their activities during the preceding week, including, the Standing Water Committee Meeting, various constituency meetings, a Natural Resources Committee meeting, a Network Oversight Committee meeting, an LTC Meeting, the Open of Fishing Season Press Reception, Alabama Stewardship Group Meeting, a CSAC Meeting, Inyo First Five Commission Meeting, and the Bishop City Counsel Meeting.
- Public Comment The Chairperson announced the second public comment period and there was no one from the public wishing to make public comment.
- Closed Session The Chairperson recessed open session at 4:58 p.m., to convene in closed session, with all Board Members present to discuss and take action as appropriate on Agenda Items No. 24. **REAL PROPERTY NEGOTIATIONS (CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE §54956.8)** – Property – Eastern Sierra Regional Airport (Bishop) – Negotiating Parties – Los Angeles Department of Water and Power and County of Inyo – Negotiations – Lease Price and Terms; and No. 25. **PERSONNEL (Pursuant to Government Code §54957)** – Public Employee Performance Evaluation – Title – Public Works Director.
- Report on Closed
Session The Chairperson recessed closed session at 6:25 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 regular meeting at 6:25 p.m., to 9:00 a.m., May 5, 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