

MINUTES

County of Inyo Board of Supervisors

May 5, 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, May 5, 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.

- Post Agenda Amendment to Utility Relocation Contract The Board was requested to consider a post agenda item to approve an amendment to the Contract between the County of Inyo and Hickman Construction for utility relocation services required because of the Highway 395 widening project through Independence. County Counsel confirmed that the item met the requirements to be considered a post agenda item. Moved by Supervisor Cash and seconded by Supervisor Cervantes to find that the need to consider an amendment to the Contract between the County of Inyo and Hickman Construction for utilities relocation services arose after the Agenda for the May 5, 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 meeting, therefore this item is added as Agenda Item No. 11A. Motion carried unanimously.
- Public Comment The Chairperson announced the public comment period. Representatives of the Save the Klondike group, Mr. Tim Barnes, Mr. Dave Brown, Mr. Kent Schlick, and Mr. Russ Markman, addressed the Board to inform the Board of local efforts to stop the closure of Klondike Lake to motorized watercraft. They asked the Board to be placed on next week's agenda for a discussion with the Board regarding the group's alternatives. The Chairperson explained that Klondike Lake is not a responsibility of the County, but the Board would be willing to discuss the group's ideas and requested Staff to invite LADWP to participate since Klondike belongs to the City of Los Angeles. The County Administrator and the Board discussed the timing for this item next week and the Board asked that next week's Board Meeting begin at 8:30 a.m., with the Klondike discussion scheduled for 9:00 a.m.
- County Department Reports The Chairperson announced the County Department Report period. Ms. Linda Anisman, Director of Child Support Services, informed the County that Inyo County has been ranked in the top 10 counties for federal performances measures again this year. She also informed the Board that the program will be transferring to the State phone system on June 23 and 24 and reported on an LA Times article reporting on the numbers of requests for decreases in support payments as a result of the loss of jobs and the bad economy. Ms. Jean Turner, Director of Health and Human Services, updated the Board on the H1N1 virus. Mr. Ted Pedersen, Public Works Director, informed the Board that the Ed Powers Road project is beginning today and a preconstruction meeting on the Shabbel Lane Road project is scheduled for Thursday. Mr. Pedersen also informed the Board that several staff members are traveling to Sacramento to attend workshops on stimulus funding projects. Mr. Chuck Hamilton, Deputy County Administrator, updated the Board on the efforts to protect the County's Prop 40 funds for the repair of the sewage lagoon in Tecopa. He told the Board that both Assemblywomen Conway and Senator Ashburn are working on this, with the Senator being the County's point person. He said they are prepared if necessary to introduce emergency legislation to secure the funding, but at this time it appears that an extension may be granted at the State Staff level. Mr. Brandon Shults, Information Services Director, recognized IS Staff Member, Ms. Jean Navarro, for her efforts in verifying individual County phone lines, which resulted in a savings of between \$14,000 and \$28,000 for non-valid phone lines.
- County Counsel/ Liebersbach Contract Amendment Moved by Supervisor Arcularius and seconded by Supervisor Fortney to ratify and approve Amendment No. 2 to the Contract between the County of Inyo and Liebersbach, Moehn, Carney & Reed, for appellate work in the *Inyo Citizens for Better Planning v. Inyo County* lawsuit, increasing the Contract amount by \$21,540 to an total amount not to exceed \$101,540; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.

- HHS-Hlth. Serv./
Medi-Cal Adm.
Contract
- Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve the Contract between the County of Inyo and the California Department of Health Care Services, through which the Department will reimburse Inyo County up to \$900,000 for approved Medi-Cal Administrative Activities (MAA), for the period of July 1, 2009 through June 30, 2012, contingent upon the Board's adoption of future budgets and authorize the Director of Health and Human Services to sign. Motion carried unanimously.
- HHS-Social
Serv./Child
Welfare
Assessment
Certification
- Moved by Supervisor Arcularius and seconded by Supervisor Fortney to certify local coordination and stakeholder involvement in the Child Welfare Self-Assessment process and approve the submission of the certification document to the State Department of Social Services, contingent upon the appropriate signatures being obtained as required by the Child Welfare Improvement and Accountability Act of 2001. Motion carried unanimously.
- HHS-Social
Serv./Imaging
Solutions
Purchase
- Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve the purchase of ImagingNow Imaging Solutions by the C-IV Project Consortium, as part of the implementation of the C-IV automation project for a total amount not to exceed \$37,012 as follows: \$32,193 for FY 2008-09, \$3,577 for FY 2009-10, and \$1,242 for FY 2010-2011, contingent upon the Board's adoption of future budgets and authorize the Director of Health and Human Services to sign. Motion carried unanimously.
- Rd. Dept./Cold
Mix Asphalt P.O.
- Moved by Supervisor Arcularius and seconded by Supervisor Fortney to declare Wulfenstein Construction Company as a sole-source provider of cold mix asphalt and approve the purchase order to Wulfenstein Construction Company for 200 tons of cold mix asphalt in an amount not to exceed \$18,487.50. Motion carried unanimously.
- Rd. Dept./N.
Lone Pine Ave.
Closure
- Moved by Supervisor Arcularius and seconded by Supervisor Fortney to authorize the closure of North Lone Pine Avenue on May 13, 2009 from approximately 1:00 p.m., to 3:15 p.m., for a joint agency drunk driver's traffic accident simulation exercise. Motion carried unanimously.
- Rd. Dept./Indy
Road Closure
Authorization
- Mr. Ted Pedersen, Public Works Director, explained that as a result of the road construction activity on U.S. Highway 395 through the community of Independence, there is a need to close various County roads for limited amounts of time to facilitate the roadwork. Moved by Supervisor Fortney and seconded by Supervisor Arcularius to authorize the Road Commissioner to approve limited closure of various streets in the town of Independence for the duration of highway construction for the installation of utilities, paving and other facilities related to the Independence 4 Lane Project. Motion carried unanimously.
- CAO-Personnel
Use of Term
Hiring Freeze
- The County Administrator, Mr. Kevin Carunchio, reviewed the status of the term hiring freeze within the context of the Revised Extraordinary Budget Policies adopted by the Board in March. He explained that the policy provides for the Department Head to certify that the funds for any vacant position being requested to be filled are available for the coming year, and the CAO and the Auditor must concur with the Department Head. He said that the term of "hiring review process" might be a more appropriate nomenclature for the process. The Board and the County Administrator discussed the process, with the County Administrator explaining that the current system does not provide a forum for General Fund departments to ask to fill vacancies. He provided an example using recent vacancies in the Sheriff's Department, and suggested a item be added under section 9 of the policy to state "or the position is a General Fund position." The Board discussed concerns they have with encouraging employees with seniority in one department to take a position in another department because of financing issues, when that employee then loses their seniority when they move and are the first position to be laid off in the new department if it becomes necessary. Additionally, the Board expressed concern with non-general fund positions being thought of as secure, when those types of funding sources are just as precarious because of the State budget crisis. The Auditor-Controller, Ms. Leslie Chapman, requested that she not be asked to concur regarding the funding of positions for the next year, because of on-going uncertainties with funding sources. The Board, Ms. Chapman and the County Administrator discussed the hiring freeze process in detail and at length. Moved by Supervisor Cash and seconded by Supervisor Arcularius to reword Section 9 of the Revised Extraordinary Budget Control Policies adopted on March 3, 2009, as follows: "9. Maintain an "Authorized Position Review" hiring review process that prohibits department heads from agendaing requests for exemptions unless the department head first certifies (1) either (a) the availability of non-general fund position funding at the time of the request, and the County Administrator and Auditor-Controller concur in the department head's certification; or (b) the position is a General Fund position; and (2) the position can be filled..." Motion carried unanimously.

Recess/ Reconvene	The Chairperson recessed the regular meeting at 10:30 a.m., to reconvene in open session at 10:35 a.m., with all Board Members present.
Ord. 1144/Zone Reclass 2009-02/ Kemp	On a motion by Supervisor Arcularius and a second by Supervisor Cervantes, Ordinance No. 1144 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)" is enacted: motion unanimously passed and adopted.
Ord. 1145/IMAAA Linkages Services Fees Schedule	On a motion by Supervisor Arcularius and a second by Supervisor Cash, Ordinance No. 1145 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," is enacted: motion unanimously passed and adopted.
Probation/Truancy Ordinance	The Chairperson opened the public hearing at 10:40 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 Jeff Thomson reviewed the changes made to the ordinance at the request of the Board of Supervisors, noting the section wherein the parental rights are prioritized as an exemption. Inyo County Superintendent of Schools, Dr. McAteer, addressed the Board to provide information on the efforts to coordinate with the various Tribes' to enact similar rules. The Chairperson closed the public hearing at 10:50 a.m. Moved by Supervisor Cash and seconded by Supervisor Arcularius to waive the first reading of the ordinance and schedule enactment of the ordinance for May 12, 2009 at 10:50 a.m., in the Board of Supervisors Room, at the County Administrative Center, in Independence. Motion carried unanimously.
Emerg. Serv./Mud Flow Disaster Continued	The County Administrator recommended the Oak Creek Mud Flows emergency be continued until the Department of Water and Power has the permanent diversion structures 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.
Rd. Dept./Indy Road Closures	Mr. Ted Pedersen, Public Works Director, provided additional information regarding the request to amend the Contract with Hickman Construction for the relocation of Independence utilities as a result of the U.S. Highway 395 widening project. He informed the Board that the additional work being required is because Caltrans did not originally identify the additional items, so the work was not a part of the plans and specifications when the project was put out to bid by the County. Moved by Supervisor Fortney and seconded by Supervisor Arcularius to approve Amendment No. 1 to the Contract between the County of Inyo and Hickman Construction for additional services for the Independence Water System Appurtenance Relocation Project, increasing the Contract amount by \$2,900 to total amount of \$18,630, and extending the term of the Contract from June 30, 2009 to September 30, 2009; and authorize the Public Works Director to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
Board Members and Staff Reports	The Board Members reported on their activities during the preceding week including, a Friends of the Mt. Whitney Fish Hatchery meeting, the Technical Group Meeting, and a Northern Inyo Airport Advisory Committee Meeting.
Public Comment	The Chairperson announced the 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 appropriate on Agenda Item No. 16. PERSONNEL (Pursuant to Government Code §54957) – Public Employee Performance Evaluation – Title – County Counsel.

Report on Closed Session The Chairperson recessed closed session at 11:58 a.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 11:58 a.m., to 8:30 a.m., Tuesday, May 12, 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