

MINUTES

County of Inyo Board of Supervisors

May 12, 2009

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:35 a.m., on Tuesday, May 12, 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 from the public wishing to address the Board.

County Department Reports The Chairperson announced the County Department Report period. Mr. Ted Pederson, Public Works Director, updated the Board on current and upcoming road projects, activities concerning the Tecopa Sewage Lagoon and the attendance of his Staff at workshop on Federal Stimulus funding. Ms. Mary Roper, Clerk-Recorder, updated the Board on the upcoming election, noting a new feature on the County's web page which allows people who vote by mail to track their ballots. Ms. Denelle Carrington, Health and Human Services Fiscal Director, introduced the County's Health Officer, Dr. Richard Johnson, who updated the Board on the H1N1 virus. The County Administrator updated the Board on the status of the State Budget, explaining that the estimates of the State Budget shortfall are between \$15 and \$20 billion and if all of the measures pass it will only provide about \$6.5 billion. He informed the Board that Governor Schwarzenegger is talking about declaring an emergency and suspending Prop 1A funds which is the local property tax dollars, which will provide an estimated \$2 billion more towards the shortfall.

Closed Session The Chairperson recessed open session at 8:55 a.m., to convene in closed session, with all Board Members present to discuss and take action as appropriate on Agenda Item No. 5. **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.** The Chairperson recessed closed session at 9:35 a.m.

BofS/Save Klondike Committee Presentation Representatives of the Save Klondike Committee addressed the Board to ask the County to become responsible for keeping Klondike open to motorized watercraft. The people who spoke who identified themselves were Robert Tucker, Russ Markman, and Kent Schlick. Mr. Clarence Martin of the Los Angeles Department of Water and Power (LADWP) also participated in the discussion. The Committee expressed a desire to have the County spend the tax dollars they pay for their boats and watercraft to go towards keeping Klondike open. The Board explained that Klondike was a mitigation project under the Long Term Water Agreement, which was the responsibility of LADWP. Mr. Martin reviewed the importance of limiting access to the lake because of the impact of the quagga mussel. The Board and the group talked about possible alternatives with the Committee representatives expressing a desire to not have Klondike formally developed, just to have the County hire three part-time employees to inspect watercraft at the lake on the weekends. The Board explained how that would be infeasible and heard from Dr. Bob Harrington, Inyo County Water Director and Mr. Greg James, retired Inyo County Water Director, concerning the public input when Klondike was being considered, which was that the public did not want the County to assume the responsibility for the Lake, that it remain undeveloped to let the public determine the uses. The Board asked Mr. Martin and County Staff questions regarding the documents which had been provided concerning Klondike, which were the Negative Declaration which identified that DWP would reimburse the County for costs incurred for the operation and maintenance of the lake and the EIR which defines the lake will be used for water skiing and other summer water recreational activities. The group wondered why Klondike was being singled out and encouraged the discussions extend to the U.S. Forest Service, Southern California Edison, and other governmental entities responsible for the lands in the Eastern Sierra where other lakes and waterways are located. The Board talked about the need to discuss the situation at Klondike at the next Standing Water Committee meeting. The Board also discussed the timing of a lease to operate Klondike, noting that leases of this nature take a very long time to develop and get

approved, sighting the lease between the City and the County for the Bishop Airport property as an example of a lease that has been worked on for over five years and is still not finalized. Additionally the Board talked about sitting down with the City of Los Angeles policy makers regarding this issue, with the County Administrator suggesting that if Board Members are going to participate in discussions with the City of Los Angeles, that it be on a policy maker to policy makers level. The Board encouraged continued discussions between the Save Klondike Committee and DWP and volunteered to have an ad hoc committee of the Board to also participate in the discussions. Moved by Supervisor Fortney and seconded by Supervisor Cash to appoint Supervisors Cash and Fortney to serve on an ad hoc committee of the Board to work with DWP and the Save Klondike Committee to find possible solutions to DWP's closure of the lake to motorized watercraft and add a discussion regarding Klondike to the Agenda for the next Inyo County/Los Angeles Standing Committee Meeting and direct Staff to draft a letter for the Chairperson's signature to the DWP policy makers regarding the Klondike issues. Motion carried unanimously.

- Emergency Serv./
Oak Creek Mud
Flows Emergency
- The County Administrator asked Mr. Clarence Martin of the Los Angeles Department of Water and Power, to update the Board on the status of the Department's replacement of the diversion structures on Oak Creek. Mr. Martin reported that the project is in the design phase and its expected to be completed by early fall. He explained that because of requirements of several agencies it has take longer than expected to complete this project. He also said that the Department supports the Board's continuation of the emergency until the permanent diversions are 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.
- Recess/
Reconvene
- The Chairperson recessed the regular meeting at 11:05 a.m., to reconvene in open session at 11:15 a.m., with all Board Members present.
- Ord. 1146 Truancy
Ordinance
- On a motion by Supervisor Cervantes and a second by Supervisor Arcularius, Ordinance 1146 titled "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," was enacted: motion unanimously passed and adopted.
- CAO-Risk Mgm./
Personal Aircraft
Insurance W/S
- The Chairperson recessed open session at 11:17 a.m., to convene in a workshop, with all Board Members present to receive information on personal aircraft insurance requirements from the Risk Manager. The Chairperson recessed the workshop at 11:25 a.m., to reconvene in open session with all Board Members present.
- Resol. #2009-19/
B.P. Care Demo
Completion Notice
- On a motion by Supervisor Cervantes and a second by Supervisor Fortney, Resolution No. 2009-19 was approved accepting the improvements and authorizing the recording of a Notice of Completion for the Big Pine Care Facility Demolition Project. Motion carried unanimously.
- Sheriff/U.S. Forest
Service Operations
Planning Funding
Agreement
Application
- Moved by Supervisor Cervantes and seconded by Supervisor Fortney to approve the application for the 2009 Financial & Operations Plan for Controlled Substance Operations for U.S. Forest Service reimbursements in the amount of \$5,000 and the U.S. Forest Service Modification to make available \$15,000 in reimbursements from the prior year unexpended funding; and authorize the Sheriff and the Chairperson of the Board of Supervisors to sign the agreement and all necessary documents. Motion carried unanimously.
- Planning-Yucca
Mt./M. Berger
Contract
- The Board and staff briefly discussed the Contract with Michael Berger for legal services. County Counsel assured the Board that all work under this Contract would be managed through the Office of County Counsel, via its contract with Mr. James. Moved by Supervisor Cervantes and seconded by Supervisor Fortney to A) ratify and approve the Agreement between the County of Inyo and Michael Berger, Esq., for the provision of legal services to Assist Mr. Greg James in representing the County of Inyo in the Yucca Mountain Nuclear Repository licensing proceedings at a base rate of \$250 per hour, and as further outlined in Attachment B of the Contract, for the period of May 1, 2009 through October 31, 2009, in an amount not to exceed \$198,000, contingent upon the Board's adoption of a FY 2009-10 budget; and authorize the Chairperson to sign contingent upon the appropriate signatures being obtained; and B) amend the FY 2008-09 Yucca Mountain Oversight Budget Unit 620605 by increasing appropriations in Professional Services (*Object Code #5265*) by \$198,000 from un-appropriated fund balance available. Motion carried unanimously.

Minute Approval	<p>Supervisor Arcularius explained that she had not had an opportunity to review the minutes to be approved and would be abstaining from the vote. The Clerk requested that the spelling of Dave Tanksley and Ron Schiller be corrected in the March 12, 2009 minutes.</p> <p>Moved by Supervisor Cash and seconded by Supervisor Cervantes to approve the minutes of the April 21, 2009 and April 28, 2009, regular meetings of the Board of Supervisors. Motion carried unanimously on a four-to-one vote, with Supervisors Cash, Brown, Fortney and Cervantes voting yes and with Supervisor Arcularius abstaining.</p> <p>Moved by Supervisor Cash and seconded by Supervisor Cervantes to approve the minutes of the March 12, 2009 Special Meeting of the Board of Supervisors as corrected. Motion carried unanimously, on a three-to-zero vote with Supervisors Cash, Brown and Cervantes voting yes and with Supervisors Fortney and Arcularius abstaining.</p>
BofS/Travel Reimbursement Policy	<p>The Board reviewed the revised Travel Reimbursement Policy Resolution. The County Administrator noted that copies of the concerns from several employees, which were a result of the policy being posted on the County's web site, were included. He noted that two of the individuals who had responded to the Board's request for comments from non-represented employees and officials, had come from employees who belong to the Elected Officials Assistants Association and cautioned the Board about discussing these items in open session since the concerns identified by these individuals would be handled through the meet and confer process with the employee bargaining units. The Board entertained an idea presented by Supervisor Fortney that the current Reimbursement Policy be grandfathered in for Board Members to end when the current terms of office expire. The Board Members thanked Supervisor Fortney for the suggestion but indicated they were in agreement with the way the new policy is written. The Board and Staff went on to discuss the Policy page by page. A correction was noted on page 10, Section 10. B to delete "access charges." The Board went on to concur with the Policy disallowing the use of personal aircraft noting the information provided by the Risk Manager in the earlier workshop. Because of the extent of the discussion on the Travel Reimbursement Policy, the Chairperson continued the discussion to after the lunch break.</p>
Recess/Reconvene	<p>The Chairperson recessed the regular meeting at 12:25 p.m., to reconvene in open session at 1:17 p.m., with all Board Members present.</p>
Travel Reimbursement Policy Continued	<p>The Board resumed their review of the revised Travel Reimbursement Policy. The Board asked that the wording in Section 13A and B be amended to reflect proof of a valid accepted driver's license to cover those instances where employees may be living in Nevada and working in Inyo County. Additionally County Counsel was asked to draft language to clarify page 7. 2. f. regarding identification of additional expenses over overnight accommodations incurred by persons other than the County Officer or employee. The Board heard from the District Attorney and the Assistant District Attorney regarding the Policy. The Board and Staff continued to discuss the Travel Reimbursement Policy with several Board Members expressing their frustrations over their inability to discuss certain aspects of the policy because of the need not to negotiate in public on items that might be subject to meet and confer. At the County Administrator's recommendation the Board continued the discussion of the revised Travel Policy and directed Staff to reagendaize the request for the Board to review the revised version of the Travel Reimbursement Policy, and the 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 the resolution, as appropriate for sometime in the future.</p>
Board Members and Staff Reports	<p>The Board Members reported on their activities during the preceding week, including a LAFCO Meeting, an Inyo First Five Strategy Meeting, a report on the Devil's Hole Workshop, and a meeting with the BLM.</p>
Public Comment	<p>The Chairperson announced the second public comment period and there was no one from the public wishing to address the Board.</p>

- Closed Session The Chairperson recessed open session at 2:28 p.m., to reconvene in closed session to discuss and take action as appropriate on Agenda Items No. 14. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Pursuant to Government Code §54956.9(a)- Department of Fair Employment & Housing v. County of Inyo, Greene v. County of Inyo Sheriff's Department** RE: E200809C1059-00-re/37AAA906327; No. 15. **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. 16. **PERSONNEL (Pursuant to Government Code §54957)** – Public Employee Performance Appointment – Title – County Counsel.
- Report on Closed Session The Chairperson recessed closed session at 4:20 p.m., to reconvene in open session to receive a report on closed session. County Counsel reported that with regard to Agenda Item No. 14. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Pursuant to Government Code §54956.9(a)- Department of Fair Employment & Housing v. County of Inyo, Greene v. County of Inyo Sheriff's Department** RE: E200809C1059-00-re/37AAA906327, which is an action brought by the Department of Fair Employment and Housing against Inyo County and the Inyo County Sheriff's Department on behalf of Inyo County Employee, David Greene, wherein he alleges retaliation for having filed a discrimination complaint against the Sheriff's Department, the Board in a unanimous vote with Supervisors Arcularius, Cash, Brown, Fortney and Cervantes voting yes, directed the Office of County Counsel to represent and defend the County and the Sheriff's Department in this matter.
- Adjournment The Chairperson adjourned the regular meeting at 4:23 p.m., to 9:00 a.m., Tuesday, May 19, 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