

MINUTES

County of Inyo Board of Supervisors

July 21, 2009

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:30 a.m., on July 21, 2009, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Beverly Brown presiding, Linda Arcularius, Susan Cash, and Marty Fortney. Supervisor Cervantes was absent. Mr. Rich White of the Independence Chamber of Commerce provided the Invocation, and Supervisor Arcularius led the Pledge of Allegiance.

- Public Comment** The Chairperson announced the public comment period. Mr. Rich White of the Independence Chamber of Commerce, updated the Board on the upcoming California State Fair and the County's exhibit at the fair. Mr. White and his wife, Kathy, reviewed the fair schedule, as well as informing the Board that Mono County was not participating with Inyo County in this year's exhibit.
- County Department Reports** The Chairperson announced the County Department report period. The Board Members reported on their activities during the fire up Bishop Creek, which has been named the Forks Fire, as did Ms. Jean Turner, Director of Health and Human Services, Mr. Ted Pedersen, Director of Public Works, Mr. Kevin Carunchio, County Administrator, and Sheriff Bill Lutze. Sheriff Lutze also reported on the Whitney Portal fire, which had occurred earlier in the week and resulted in a large evacuation effort area. Supervisor Cervantes joined the meeting at 8:50 a.m., during the County Department reports. Each of the various Department Heads thanked and expressed appreciation to their staff that had assisted during the incident. Supervisor Arcularius, who is the District Supervisor for the Bishop Creek area, added her thanks to the Board Members, Staff and everyone who assisted during the fire and evacuation efforts. The County Administrator went on to update the Board on the status of the State budget. Mr. Carunchio also notified the Board that two budget workshops have been scheduled for the second week in August to discuss various County Department budgets and to discuss the use of General Reserves and Economic Stabilization to help bridge the gaps in the County's budget as a result of impending State budget actions.
- Emerg. Serv./Oak Creek Emergency** Moved by Supervisor Arcularius and seconded by Supervisor Fortney to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.
- CAO-Personnel/Temporary Employee Assignment** Moved by Supervisor Arcularius and seconded by Supervisor Fortney to authorize the County Administrator, pursuant to Section 2.08.040, Paragraph D, of the Inyo County Code, to temporarily appoint the Facilities Supervisor in the Public Works Department to also fill the temporary vacancy that exists for the Parks Manager position in the Parks Division of the County Administrative Officer Department. Motion carried unanimously.
- Ag. Comm/ Ag Advisory Comm. Support Moat/Row** Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve the letters from the Agriculture Resource Advisory Board in support of the moat and row system on Owens Lake and authorize the Chairperson to sign. Motion carried unanimously.
- Auditor/Mandated Claims Contract** Moved by Supervisor Arcularius and seconded by Supervisor Fortney to declare MGT of America, Inc., a sole-source provider of State mandated claims services and approve the Contract between the County of Inyo and MGT of America, Inc., for preparation of the FY 2009-2010 & FY 2010-2011 SB90 State Mandated Cost Claims, in an amount not to exceed \$31,675, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign. Motion carried unanimously.
- E. Health/IDEXX Sole Source** Moved by Supervisor Arcularius and seconded by Supervisor Fortney to declare IDEXX Laboratories, Inc. a sole-source provider of certain water testing laboratory supplies for the period of July 1, 2009 through June 30, 2010. Motion carried unanimously.

HHS-Children's Serv./Internet Reporting Contract	Moved by Supervisor Arcularius and seconded by Supervisor Fortney to ratify and approve the Contract between the County of Inyo and the National Council on Crime and Delinquency for the provision of Safe Measures® Internet Reporting Services, for the period of July 1, 2009 through June 30, 2011, in an amount not to exceed \$11,000, contingent upon the Board's adoption of future budgets and authorize the Chairperson to sign. Motion carried unanimously.
HHS-Mental Hlth. Serv./MHSA CSS and PEI Approval	Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve the submission of the MHSA CSS and PEI 09/10 Plan Update to access the full CSS planning amount of \$1,033,600 and the full PEI planning estimate of \$225,000 under the approved MHSA Agreement, contingent upon the Board's adoption of future budgets. Motion carried unanimously.
HHS-Behavioral Hlth. Serv./Medi-Cal Agreement	Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve the Medi-Cal Privacy and Security Agreement between the County of Inyo and the State of California; and authorize the Director of Behavioral Health Division to sign. Motion carried unanimously.
Planning/LAFCO Services Agreement	Moved by Supervisor Arcularius and seconded by Supervisor Fortney to ratify and approve the Contract between the County of Inyo and Inyo LAFCO for Planning Department staff services, for the period of July 1, 2009 through June 30, 2010, in an amount not to exceed \$28,428, contingent upon the Board's adoption of a FY 2009-2010 budget; and authorize the Chairperson to sign. Motion carried unanimously.
BofS/National Association of Gateway Communities	The Chairperson briefly explained that the Board had requested a full discussion of the request by the National Association of Gateway Communities to have Inyo County join the organization. The Chairperson said that she felt our State Organizations, i.e., CSAC and RCRC, do a good job for Inyo County and she did not feel there was a need to join this group. She also informed the Board that she had requested additional information regarding the organization and the County's involvement with the group, to which she has not had a response. The other Board Members concurred with Supervisor Brown. Moved by Supervisor Arcularius and seconded by Supervisor Cash that the County not participate or join the National Association of Gateway Communities. Motion carried unanimously.
CAO-Adv. Co. Resc./Bishop CofC and D.V. CofC Final Grant Projects	The Museum Services Director, Mr. Jon Klusmire, provided the report on the Chambers of Commerce's events. Ms. Susan Cullen, Executive Director of the Bishop Museum and Historical Society, addressed the Board to add to the report and to thank the Board for their support of Laws Museum. Moved by Supervisor Cash and seconded by Supervisor Cervantes to approve the final payments to the Death Valley Chamber of Commerce in the amount of \$1,927.50 and the Bishop Museum and Historical Society in the amount of \$3,000 for the successful completion of individual Community Project Sponsorship Grant projects, to be paid from the FY 2008-09 Advertising County Resources Budget. Motion carried unanimously.
Recess/Reconvene	The Chairperson recessed the regular meeting at 9:30 a.m., in order for the Board Members to drive to Division Creek for the Caltrans' dedication ceremonies for the U.S. Highway 395 Blackrock 4-lane Project. The Chairperson reconvened the regular meeting in a workshop at 11:10 a.m., with all Board Members present.
Workshop Senior Center Usage	The Board met in a workshop with representatives of the Health and Human Services Department regarding the Inyo Mono Area Agency on Aging senior center usage. The workshop concluded at 11:45 a.m., to immediately convene in a workshop on Group Home Feasibility.
Workshop/Group Home Feasibility	The Board convened in a workshop with representatives of the Health and Human Services Department and the Probation Department regarding the Group Home Feasibility. The workshop concluded at 12:15 p.m.
Recess/Reconvene	The Chairperson recessed the regular meeting at 12:15 p.m., to reconvene in open session at 1:15 p.m., with all Board Members present.

Treasurer/Amended Investment Policy	The Treasurer-Tax Collector, Ms. Alisha McMurtrie, detailed the amendments in the Treasury Investment Policy, which she was requesting be approved. She explained that the changes were to provide for the Treasury to accept the Registered Warrants now being received from the State, as well as a couple of other minor changes and the addition of a glossary. In response to questions from Supervisor Cervantes about the possibility of inflation and the bond market, Ms. McMurtrie provided additional information regarding the Policy's investment limitations for bond investments and investments in other markets. Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to approve the recommended updates to the Inyo County Treasury Investment Policy and approve the Policy as submitted. Motion carried unanimously.
Auditor/Sungard Bi-Tech Software Contract Increase	The Auditor-Controller, Ms. Leslie Chapman, provided additional information and further justification for the increase in the financial software contract. Moved by Supervisor Arcularius and seconded by Supervisor Fortney to accept the recommendation of the Financial Oversight Committee (FAC) and increase the not-to-exceed amount on the Sungard Bi-Tech financial software contract by \$350,000 to a new not-to-exceed amount of \$838,500, contingent upon the Board's adoption of the FY 2009-2010 budget. Motion carried unanimously.
Public Admin./ Request to fill Deputy Position	The Public Administrator/Public Guardian, Ms. Patricia Barton, provided additional documentation to justify her request to fill the deputy position in her Department. The County Administrator reviewed the information he provided regarding his recommendation that alternatives to filling the position be evaluated and to explain why he could not recommend that this position be filled at this time in light of the impacts to the County's General Fund as a result of State budget actions. Ms. Jean Turner, Director of Health and Human Services, provided additional information regarding her discussions with Ms. Barton regarding the alternatives of her Department possibly providing assistance. Ms. Barton, the Board and County Administrator continued to discuss the request in detail and at length, with the County Administrator reviewing those General Fund Departments that are currently working with vacant positions and suggesting that the request to fill the position be reconsidered during the budget hearings. Mr. Carunchio explained that Ms. Barton could proceed on with the recruitment process up to the hiring of an individual. The Board explained that they understood that Ms. Barton represented a very vulnerable segment of the population, but agreed with the County Administrator that until the impacts of the State budget actions could be assessed authorizing the filling of this position would be premature. The Board recommended that Ms. Barton proceed with the recruitment process without authorization to fill the position and asked that the filling of the Deputy Public Administrator/Public Guardian position be added to their discussions during Budget Hearings. Supervisor Brown suggested that Ms. Barton, get with the Health and Human Services Department to see if there are cross-over services that could be provided to her clientele through HHS.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 2:35 p.m., to reconvene in open session at 2:40 p.m., with all Board Members present.
Resol. #2009-27/ Natural Resource Committee	The Board and the Director of Planning, Mr. Mike Conklin, discussed the two resolutions, which created a Natural Resource Advisory Committee. Mr. Conklin explained that one resolution includes ex-officio members of the Board of Supervisors and one does not. Supervisor Fortney queried the Board on perhaps combining the County's Fish and Game Advisory Commission with this Committee, since both groups deal with natural resources. The Board discussed this possibility but decided that the areas of interest for these two groups differed significantly and they were not in favor of combining the groups, but were in favor of discussing the possibility of splitting the Inyo-Mono Fish and Game Advisory Commission into separate county commissions. Supervisor Fortney asked that an Agenda Item be prepared for a future agenda for the Board to discuss the possibility of separating the Inyo-Mono Fish and Game Advisory Commission and forming an Inyo County Fish and Game Commission. The Board went on to talk about the Natural Resources Committee and the Board's ex-officio membership in the committee, with the consensus of the Board being that they did not want to have ex-officio status on the Committee because of their role as decision makers in planning land use issues on which the Committee will be making recommendations. On a motion by Supervisor Cervantes and a second by Supervisor Arcularius, Resolution No. 2009-27 titled "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Establishing a Natural Resource Advisory Committee for the County of Inyo," was approved without the ex-officio membership: motion unanimously passed and adopted.
Resol. #2009-28/ Gate Fees Waived	On a motion by Supervisor Fortney and a second by Supervisor Cervantes, Resolution No. 2009-28 was approved to waive disposal and gates fees for the disposal of debris generated as a result of the July 12, 2008 Oak Creek flood event: motion unanimously passed and adopted.

County Counsel/ Little Lake Ranch, Inc. v. County of Inyo et al. Legal Services Contract	The Assistant County Counsel, Mr. Randy Keller, explained that the Auditor has informed him that the portion of the request requiring the transfer of the funds is not possible at this time in the budget process. He said the Auditor has determined there are sufficient funds in the roll over budget to cover costs until the final budget is approved. Moved by Supervisor Cervantes and seconded by Supervisor Cash to approve the Agreement between the County of Inyo and Coso Operating Company, LLC, for the reimbursement of Inyo County for defense litigation costs for <i>Little Lake Ranch Inc. v. County of Inyo et al.</i> , for the period of July 1, 2009 to completion of the lawsuit, in an amount not to exceed \$50,000 contingent upon the Board's adoption of a FY 2009-2010 budget; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained; and approve the Agreement between the County of Inyo and Whitman F. Manley, of Remy, Thomas, Moose and Manley, LLP, for the provision of legal services in advising and representing the County of Inyo, and its Board, as Respondents in <i>Little Lake Ranch Inc. v. County of Inyo et al.</i> , for the term of July 1, 2009 to completion of the lawsuit, in an amount not to exceed \$50,000, contingent upon the Board's adoption of a FY 2009-2010 budget; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
BofS/Minute Approval	Moved by Supervisor Cash and seconded by Supervisor Fortney to approve the minutes of the July 7, 2009, Board of Supervisors Meeting. Motion carried unanimously. Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve the minutes of the July 14, 2009, Board of Supervisors Meeting. Motion carried unanimously, with Supervisor Cash abstaining.
Board Members and Staff Reports	The Board Members reported on their activities during the preceding week including, the Standing Committee Meeting, the Regional Forester meeting, an ESTA Meeting, an LTC Meeting, the Whitney Portal Fire, the Forks Fire, an EMCC Meeting, a H1N1 Pandemic Flu update, the Junior Livestock Auction, an RCRC Executive Board Meeting, notification that Supervisor Arcularius has been appointed to a State Advisory Committee on invasive species, and information on an illegal fireworks issue on the Bishop Reservation.
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 3:55 p.m., to convene in closed session, with all Board Members present, to discuss and take action on Agenda Items No. 25. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Pursuant to Government Code §54956.9(a) – Little Lake Ranch v. County of Inyo, et al. , Inyo County Superior Court Case No. SICVPT 09-48538: No. 26. PERSONNEL (Pursuant to Government Code §54967 – Public Employee Performance Evaluation – Title – Health and Human Services/IMAAA Director; No. 27. CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6] - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: ICEA -Negotiators: - CAO Kevin Carunchio and Labor Relations Administrator Sue Dishion; No. 28. CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6] -Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Deputy Sheriff's Association (DSA) - Negotiators: CAO Kevin Carunchio, Sheriff Bill Lutze, and Labor Relations Administrator Sue Dishion; No. 29. CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6] - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Elected Officials Assistant Association (EOAA) - Negotiators: CAO Kevin Carunchio and Labor Relations Administrator Sue Dishion; No. 30. CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6] - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Inyo County Probation Peace Officers Association (ICPPOA) - Negotiators: CAO Kevin Carunchio and Labor Relations Administrator Sue Dishion; and No. 31. CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6] - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Law Enforcement Administrators' Association (LEAA) - Negotiators: CAO Kevin Carunchio and Labor Relations Administrator Sue Dishion.
Report on Closed Session	The Chairperson recessed closed session at 4:55 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 4:55 p.m., to 9:00 a.m., Tuesday, September 28, 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