

MINUTES

County of Inyo Board of Supervisors

August 4, 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, August 4, 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.

- 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. The Auditor-Controller, Ms. Leslie Chapman, informed the Board that as a result of an updating of the County's information relative to our COP's, the County's bond rating is BAA1, which she said is a medium risk rating and the best rating a California County can obtain. Ms. Jean Turner, Director of Health and Human Services, told the Board that the County has received a check from the State (not a registered warrant) for some Medi-Cal Claims from the Spring. Ms. Turner also updated the Board on impacts to her Department's programs as a result of the State Budget actions. Ms. Linda Anisman, Director of Child Support Services, announced that August is Child Support Awareness Month and to celebrate this the State has implemented a "Get Back on the Road Again" program, which provides a method in which people can make a minimal payment and get their driver's license reinstated for a period of time. The County Administrator updated the Board on the impacts of the most recent State budget actions, saying that while the Legislature did not allocate the counties gas tax, he expects it to be back on the table for consideration during the next several months.
- BofS/State Dept. of Government Service Presentation Mr. Angel Carrera, Small Business Liaison with the State Department of Government Services, reported on his presentation to the Owens Valley Contractors Association and the Lone Pine and Independence Chambers of Commerce on the State's Small Business and Disabled Veteran Business Enterprise (DVBE) Certification. Mr. Carrera explained how important small business is to California and how the County partnering with the State to accept the State's certification of business would be beneficial to the area. Mr. Carrera provided copies of his presentation and other material explaining the State Program. He encouraged the County to adopt a policy to provide exemptions for local certified small businesses to help them compete in the procurement process. The Board and Mr. Carrera discussed the program in detail. Mr. Dan Stone, President of the Owens Valley Contractor's Association informed the Board that an employee of Caltrans in the local Bishop office is available to assist in small business certifications. Mr. Clarence Martin of DWP provided information on how the City of Los Angeles provides exemptions for local bidders.
- Emerg. Serv./ Oak Creek Emergency Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.
- Planning-Yucca Mt./U.S. Geologic Survey Funding Agreement Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to approve the Joint Funding Agreement between the U.S. Geologic Survey and Inyo County Yucca Mountain Repository Assessment Office for the period of August 5, 2009 through June 8, 2010, in an amount not to exceed \$100,000, contingent upon the Board's adoption of a FY 2009/2010 budget; and authorize the Chairperson to sign. Motion carried unanimously.
- VSO/Subvention & Medi-Cal Certification Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to approve the Subvention and Medi-Cal Certificate of Compliance for FY 2009-2010; and authorize the Chairperson to sign. Motion carried unanimously.
- Sheriff/Sun Ridge Systems Payment Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to approve the payment to Sun Ridge Systems, Inc., in the amount of \$18,750 for RIMS Annual Support Services for the period of July 1, 2009 through June 30, 2010. Motion carried unanimously.

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| D.A./Recovery Act Grant | Moved by Supervisor Fortney and seconded by Supervisor Arcularius to approve the application for Recovery Act funding under the Rural Law Enforcement Assistance: Combating Rural Crime Grant in the amount of \$165,000 and authorize the District Attorney to sign the grant and grant award on behalf of the County. Motion carried unanimously. |
| Recess/ Reconvene | The Chairperson recessed the regular meeting at 10:00 a.m., to reconvene in open session at 10:05 a.m., with all Board Members present. |
| BofS/State Lands Commission Mtg. Attendance | The County Administrator reviewed the information concerning the upcoming State Lands Commission Meeting at which the proposed moat and row project on the Owens Lake will be discussed and whether or not the Board should send a representative to endorse this project as requested by the Mayor's office. Supervisor Brown said that she would support sending representation and suggested that Supervisor Arcularius, who is one of the County's representatives to the Standing Committee and has a great deal of knowledge of the local water issues, be the Board's representative. Moved by Supervisor Cash and seconded by Supervisor Fortney to designate Supervisor Arcularius to represent the Board of Supervisors by attending the California State Lands Commission meeting on August 11, 2009 and provide comments endorsing the lease of Owens Lake property for proposed moat and row, and other dust control measures that do not rely on the use of water. Motion carried unanimously. |
| Museum/Bishop and Indy CofC Community Sponsorship Grants | Mr. Jon Klusmire, Museum Services Director, reported on the Independence Chamber of Commerce's Trout Derby, explaining that the event had not utilized all of the allocation and the group was returning the unspent portion. Ms. Tawni Thomson, Executive Director of the Bishop Chamber of Commerce, reported on the Chamber's project which was the month long trout derby up Bishop Creek. Moved by Supervisor Cash and seconded by Supervisor Fortney to approve the final payments to the Bishop Chamber of Commerce in the amount of \$3,950 and the Independence Chamber of Commerce in the amount of \$1,128.37 for the successful completion of individual Community Project Sponsorship Grant projects, to be paid from the FY 2008-09 Advertising County Resources Budget and direct Staff to send a thank you letter to the Independence Chamber for the return of the unused portion of their allocation. Motion carried unanimously. |
| Integ. Waste/Landfill Engineer Position | The County Administrator, Mr. Kevin Carunchio, provided additional information and further justification for the recommendation to recruit for a Managing Landfill Engineer. He provided the Board with a revised job description. Supervisor Brown questioned whether this position would be managing the County's landfills, with Mr. Carunchio explaining that this might be a possibility in the future, but at the present time the position would be responsible for regulatory compliance issues in lieu of contracting for the work. Supervisor Brown said that she would only support this position if the person was going to manage the land fills because she believes that's where the compliance issues begin. The Board and Mr. Carunchio discussed the scope of work, with Mr. Carunchio reiterating that it was the Board's direction to look at possibly handling some of the regulatory compliance issues in-house instead of through a contract. He also explained that with the recent actions at the State to eliminate the State Water Board and reassign regulatory compliance to other State agencies, it might be an opportune time to find a qualified engineer. Moved by Supervisor Arcularius and seconded by Supervisor Cash to A) approve the Managing Landfill Engineer job description as amended; and B) authorize the recruitment and hiring of a Managing Landfill Engineer, at Range 81 (\$5,364 - \$6,522) contingent upon your Board's adoption of the FY 2009-2010 budget. Motion carried on a four-to-one vote, with Supervisors Arcularius, Cash, Fortney and Cervantes voting yes and with Supervisor Brown voting no. |
| BofS/Minute Approval | Moved by Supervisor Fortney and seconded by Supervisor Cash to approve the minutes of the July 21, 2009 Board of Supervisors Meeting. Motion carried unanimously. |
| Recess/ Reconvene | The Chairperson recessed the regular meeting at 10:50 a.m., to reconvene in open session at 11:05 a.m., with all Board Members present. |
| Board Members and Staff Reports | The Board Members reported on their activities during the preceding week, including a meeting with DWP on the Independence sewer system, a meeting with Caltrans and Granite Construction on the Independence 4-lane project, information on the National Park Service's plans regarding restroom facilities at Father Crowley Point, a meeting with Coso on some possible renewable energy opportunities, the upcoming release of the Notice of Decision on the Travel Management Plan, a Northern Inyo Airport Advisory Committee meeting, including notification regarding a fuel audit and possible interest in increased hanger rentals. Supervisor Arcularius requested that |

today's meeting be adjourned in memory of Mr. Ed Joseph and Mr. Clark Condor, who both had recently passed away and who were long time residents of the County. Supervisor Fortney asked that today's meeting also be adjourned in memory of Ms. Bernie Colvin who also recently passed away and was a long time resident of the County. Supervisor Brown recognized the passing of her friend Karen Soper Long, whose family owned Montgomery Pass Lodge and Casino who were supporters of the Bishop Community and high school athletics, explaining that she was not asking that the meeting be adjourned in her memory, she was simply wanting to acknowledge and remember her friend and the family.

Planning Dept./
2009 Housing
Element Update

The Chairperson opened the public hearing at 11:25 a.m., regarding General Plan Amendment No. 2009-02/Inyo County (2009 Housing Element Update). Mr. Josh Hart, Senior Planner reviewed the Staff Report and recommendations concerning the Housing Element Update. He presented the Board with a revision to modify Program 2.1.2 He went on to specifically review certain aspects of the Update, as well as respond to questions from the Board. Mr. Hart also added to the record a letter received from Mr. Mike Johnston of Bishop questioning the Housing Element not addressing non-conforming properties. Mr. Mike Conklin, Planning Director, provided further explanation and information on non-conforming properties. The Board requested that the following clarifications and changes be made:

- A) all references to the Hanby Property be clarified to note that there are no concrete plans by the City of Bishop to annex this property;
- B) clarify the term "work with the City of Bishop" to include "where appropriate;"
- C) change all references of the word "coordination" to "work with other agencies as appropriate;"
- D) references to federal agencies add the State of California and the National Parks Service.

The Chairperson closed the public hearing at 12:10 p.m.

Resol. #2009-30/
Housing Element
Update

On a motion by Supervisor Arcularius and a second by Supervisor Cash, Resolution No. 2009-30 was approved (1) making certain findings with respect to General Plan Amendment No. 2009-02/Inyo County (2009 Housing Element Update), (2) making certain findings with respect to and adopting a Negative Declaration/Initial Study for the 2009 Housing Element Update, and (3) adopting General Plan Amendment No. 2009-02/Inyo County as amended: motion unanimously passed and adopted.

Moved by Supervisor Arcularius and seconded by Supervisor Cash to direct Planning Staff to submit the Housing Element Update to the California Department of Housing and Community Development (HCD) for certification. 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 12:10 p.m., to convene in closed session, with all Board Members present to discuss and take action as appropriate on Agenda Items No. 15. **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. 16. **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. 17. **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. 18. **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. 19. **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 1:10 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 today's meeting in memory of Mr. Ed Joseph, Mr. Clark Conder and Ms. Bernie Colvin, who all passed away recently. The Chairperson adjourned the meeting at 1:10 p.m., to 9:00 a.m., Tuesday, August 8, 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