

# MINUTES

# County of Inyo Board of Supervisors

## September 1, 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 Tuesday, September 1, 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. Ms. Jean Turner, Director of Health and Human Services, informed the Board of a Mentoring Program event to take place in the Lone Pine Park to recruit mentors for the southern part of the County. Mr. Jon Klusmire, Museum Services Director, updated the Board on upcoming museum events, including information concerning a talk by Jim Stroh on the solar power potential in the Owens Valley.
- Closed Session      The Chairperson recessed open session at 8:40 a.m., to convene in closed session with all Board Members present to discuss and take action as appropriate on Agenda Item No. 3. **CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION (Pursuant to Government Code §54956.9(a) – Sierra Club & Owens Valley Committee v. City of Los Angeles, Los Angeles Department of Water and Power, et al, Inyo County Superior Court Case No. SICVCV 08-46888 (“LORP #4”)**.
- Recess/Reconvene      The Chairperson recessed closed session at 10:00 a.m., to reconvene in open session at 10:10 a.m., with all Board Members present.
- BofS/Support Letter SIFPD Grant Application      Moved by Supervisor Fortney and seconded by Supervisor Cervantes to approve the letter to FEMA in support of the Southern Inyo Fire Protection District’s application for a 2009 Fire Station Construction Grant and authorize the Chairperson to sign. Motion carried unanimously.
- Emerg. Serv./Oak Creek Emergency      Moved by Supervisor Fortney and seconded by Supervisor Cervantes to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.
- Resol. #2009-33/ Rural Health JPA      On a motion by Supervisor Fortney and a second by Supervisor Cervantes, Resolution No. 2009-33 was adopted approving the termination of the Rural Health Joint Powers Authority: motion unanimously passed and adopted.
- Resol. #2009-34/ Property Tax Rates FY 2009-10      On a motion by Supervisor Fortney and a second by Supervisor Cervantes, Resolution No. 2009-34 was adopted setting the property tax rates for 2009-2010 per California Government Code §29100: motion unanimously passed and adopted.
- Resol. #2009-35/ Appropriation Limit FY 2009-10      On a motion by Supervisor Fortney and a second by Supervisor Cervantes, Resolution No. 2009-35 was adopted, accepting the calculations of the appropriation limitation for the County of Inyo for Fiscal Year 2009-2010: motion unanimously passed and adopted.
- HHS-EMCC/ Committee Appointments      Moved by Supervisor Fortney and seconded by Supervisor Cervantes to appoint the following members to the Emergency Medical Care Committee to fill staggered terms: (A) to complete terms ending December 31, 2010: Lee Barron of Southern Inyo Hospitalcare District; LeRoy Kritz of Lone Pine Fire Department; Paul Postle of Southern Inyo Fire Protection District; Michael Dillion of Northern Inyo Hospital; Jean Turner of Inyo County Health and Human Services; Joe Cappello of Independence Volunteer Fire Department and (B) to complete terms ending December 31, 2011: Steven Davis of Olancha Cartago Fire Department; Mike Patterson of Sierra Lifeflight; Judd Symons of Symons Emergency Specialties; Lloyd Wilson of Big Pine Volunteer Fire Department; Martha Reynolds of Northern Inyo Hospital; Phil Ashworth of Independence Volunteer Fire Department; Andrew Stevens of Northern Inyo Hospital. Motion carried unanimously.

HHS-Misc./State Welfare Directors Assoc. Dues	Moved by Supervisor Fortney and seconded by Supervisor Cervantes to approve payment of County Welfare Directors Association of California (CWDA) dues for Fiscal Year 2009-2010 in the amount of \$12,180. Motion carried unanimously.
HHS-Soc. Serv./SSA General Assistance Payments	Moved by Supervisor Fortney and seconded by Supervisor Cervantes to ratify and approve the Contract between the County of Inyo and the California Department of Social Services for reimbursement from the Social Security Administration to the County General Fund for General Assistance payments to individuals found to be eligible for Supplemental Security Income (SSI) or State Supplementary Payment (SSP), for the period beginning July 1, 2008, with automatic renewals for five years; and authorize the Inyo County Welfare Director to sign. Motion carried unanimously.
P.W./Contract for N. Barlow/Dixon Lanes Improvement Project	Moved by Supervisor Fortney and seconded by Supervisor Cervantes to award and approve the Contract between the County of Inyo and Sierra Nevada Construction for the North Barlow/Dixon Lanes Improvement Project in the amount of \$766,007, contingent upon the Board's adoption of a FY 2009-2010 budget; authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained and authorize the Public Works Director to execute all other contract documents, including contract change orders, to the extent permitted by Public Contract Code §20142 and other applicable law. Motion carried unanimously.
P.W./Bishop Facilities Re-roofing Project	Moved by Supervisor Fortney and seconded by Supervisor Cervantes to award and approve the Contract between the County of Inyo and RASP Construction, Inc. for the Bishop County Facilities Re-roofing Project in the amount of \$49,343, contingent upon the Board's adoption of a FY 2009-2010 budget; authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained; and authorize the Public Works Director to execute all other contract documents, including contract change orders, to the extent permitted by Public Contract Code §20142 and other applicable law. Motion carried unanimously.
BofS/MOU w/ Central Nevada Regional Water Authority (CNRWA)	The County Administrator explained that the request for the Board to consider entering into a MOU between two Utah counties, Mono County and the CNRWA was the result of a presentation by Steve Bradhurst, CNRWA Executive Director, to the Inyo County Board of Supervisors earlier this year, during which the County had been invited to participate in a CNRWA meeting in Tonopah. He went on to explain that Supervisors Arcularius and Brown and other County Staff had attended the meeting as directed by the Board. He said that the MOU would require the County to send a representative to a yearly meeting of the MOU parties in which mutual water issues would be discussed and that the only expense associated with the MOU is travel costs. Supervisor Cash questioned that two Board Members and various staff had attended the meeting in Tonopah, explaining that her motion was to have Supervisor Arcularius attend on behalf of the County. Supervisor Brown explained that the County took only one vehicle and since there had been a vacant seat in the vehicle she had taken the opportunity also attend the meeting at no additional cost to the County. The Board continued to talk about the requirements for County representation at the annual meeting. Supervisor Arcularius suggested that this Organization be added to the list of Boards, Committees, and Commissions that require a Board representative and included on the Board's yearly appointments list. Moved by Supervisor Arcularius and seconded by Supervisor Cash to approve the Memorandum of Understanding between the Central Nevada Regional Water Authority (CNRWA), the Utah counties of Juab and Millard, and the California counties of Inyo and Mono, concerning shared water resources issues with the CNRWA, the Utah counties of Juab and Millard and Mono County; authorize the Chairperson to sign, and direct that this Organization be added to the Board, Committees, and Commissions Book and included on the Board's yearly appointments list. Motion carried unanimously.
Workshop on P.W. Projects and Road Dpt. Fund Balance	The Chairperson recessed open session at 10:21 a.m., to convene in a workshop with the Public Works Director, Mr. Ted Pedersen, concerning Public Works project priorities, and Road Department fund balance considerations. The Chairperson recessed the workshop at 11:07 a.m., to reconvene in open session at 11:20 a.m., with all Board Members present.
Forest Serv./Record of Decision Travel Management Plan	Inyo Forest Supervisor, Jim Upchurch, presented a briefing on the Record of Decision on the Inyo National Forest Travel Management Plan. He reviewed the history of the rule, which required the Forest Service to develop and implement the Plan. He explained that a modified Alternative #6 was the chosen alternative for routes to be added to the system.

Mr. Upchurch explained that Alternative #6 was developed by the Collaborative Alternative Team (CAT) and commended those who had participated in the process for their commitment to developing the balanced recommendations, which had been presented in the Alternative. Mr. Upchurch explained that his decision was based on the alternative that best balanced the needs of the resource and provided recreational opportunities on the Forest. Mr. Upchurch reviewed the Record of Decision in detail and at length. The presentation included, (a) responding to questions regarding the number of miles of routes added and/or not added to the system, (b) a specific review of the maps of the Coyote and Harkless Flats areas, (c) recognition that the County's comments had been utilized when feasible, (d) that there is a need to take the collaborative planning efforts to the next step of collaborative action, and (e) reiteration that the Travel Management Plan provides a manageable recreational travel route system for the Inyo National Forest.

Mr. Carl Holsier presented the Board with a letter from Mr. Dave Tanksley of Bishop, which was read into the record by the Chairperson, which reflected Mr. Tanksley's feelings that the CAT recommendations did not represent a united recommendation of all of the users of the Forest and questioned the Forest Services' participation in an official coordination process as they are required by law. Supervisor Cash clarified that the CAT group was not appointed or selected by the Forest Service, it was a group of anyone who was interested in and chose to participate in a collaborative effort to develop acceptable recommendations on the routes to be added to the Inyo National Forest travel system. Supervisor Arcularius clarified that since it was well publicized, and confirmed by Mr. Upchurch, that the Travel Management Plan was for recreational travel routes, those who had interests in traveling the forest for other than recreational purposes, i.e., access to mining claims, etc., would not have had a platform from which to identify their requirements and may have chosen to refrain from participating in this process. Mr. Upchurch explained that with regard to permitted uses of the forest, access was provided for through the permit process. He noted that a mining claim required an Operating Plan. Mr. Kenny Lloyd of Bishop, specifically asked if he was going to be able to get to his mining claims in the Inyo Forest. Mr. Upchurch invited him to bring his Operating Plan to the Forest Service Offices in order to determine the status of the claims he wants to access. Mr. Paul McFarland of the Friends of the Inyo, addressed the Board to acknowledge the efforts of the CAT and everything that had been accomplished by the group. Mr. George Milovich, Inyo/Mono Agricultural Commissioner, identified the importance of agricultural uses of the forest and the need to preserve access for these uses.

The Board congratulated the members of the CAT, noting the commitment of the individuals to the process, as well as commending the group on their success in bringing such a diverse group together to resolve issues and make a mutually acceptable recommendation on travel routes on the Inyo National Forest. The Board and Mr. Upchurch reviewed the schedule of upcoming public meetings on the Plan. In closing Mr. Upchurch recognized and thanked his staff for all of their hard work on the Project. The Board took the opportunity to also thank Mr. Upchurch for his personal involvement in the process and his on-site inspection of many of the areas and routes being considered.

Recess/  
Reconvene

The Chairperson recessed the regular meeting at 12:35 p.m., to reconvene in open session at 1:30 p.m., with all Board Members present.

HHS-Sr. Services/  
Layoff Notices Sr.  
Services Counselor  
Positions

The County Administrator noted that the item requesting the Board consider laying off two staff members in the Senior Program should have included the Health and Human Services Department because that is the Department making the recommendation. Ms Jean Turner, Director of Health and Human Services, provided additional information and further justification for the request. Ms. Turner also talked about the minimum qualifications (MQ's) for Department positions, saying that HHS is diligent to ensure that the County's MQ's correspond with the State Merit System's MQ's. She said that with regard to relocating the individuals to vacant positions within the Social Services Program, the State is requiring the employees have their "layoff notices" in hand prior to the State evaluating their ability to be moved into the positions. Moved by Supervisor Cervantes and seconded by Supervisor Cash to A) eliminate two Senior Services Counselor III's at Range 67 (\$3,852 - \$4,676) from the authorized strength within the Health and Human Services Department effective at the end of the workday on September 30, 2009, pursuant to Article IX, Layoffs and Reductions in Force, of the Inyo County Personnel Rules and Regulations, as a result of funding elimination by the Governor of California; B) direct the Personnel Department to provide written Layoff Notices to the impacted employees; and C) pursuant to the Authorize Position Review Process, authorize filling vacant positions by transfer of the impacted employees into classifications for which they are qualified, pursuant to Article XI, Section 11.1(c) of the Personnel Rules. Motion carried unanimously.

BofS/Minute Approval	Moved by Supervisor Cash and seconded by Supervisor Fortney to approve the minutes of the Board of Supervisors Meeting of August 18, 2009. Motion carried unanimously.
Fish & Game/ County Fair Youth Fishing Derby	Moved by Supervisor Fortney and seconded by Supervisor Cash to approve a \$200 expenditure from the Inyo Fine Fund to the Bishop Lion's Club for reimbursement of fish stocking for the Youth Fishing Derby at the 2009 Tri County Fair, and authorize payment contingent upon certification of the expenditure by the Bishop Lion's Club. Motion carried unanimously.
Fish & Game/ Friends of Mt. Whitney Equip. for Educational Presentations	Moved by Supervisor Fortney and seconded by Supervisor Cash to approve an \$800 expenditure from the Inyo Fine Fund to the Friends of the Mt. Whitney Fish Hatchery for the purchase of computer and video equipment for educational presentations at the Mt. Whitney Fish Hatchery and local schools, and authorize payment contingent upon certification of the expenditure by the President of the Friends of the Mt. Whitney Fish Hatchery. Motion carried unanimously.
Org./Wild Iris Domestic Violence Awareness Month	Moved by Supervisor Cash and seconded by Supervisor Fortney to approve the Proclamation proclaiming October 2009 as Domestic Violence Awareness Month in Inyo County. Motion carried unanimously.
Board Members and Staff Reports	The Board Members reported on their activities during the preceding week, including a meeting on the proposed Adventure Trail, the 100 <sup>th</sup> Anniversary of Mt. Whitney celebration, Alabama Hills Stewardship meeting, a LADWP meeting on dust mitigation measures, a meeting with representatives of the Sierra Nevada Conservancy, and an RCRC Executive Board Meeting. The County Administrator provided information on the upcoming County Employee BBQ, which is being held in conjunction with the Millpond Music Festival's Friday evening events.
Schools/Supt. Of Schools Update on State of Inyo County Schools	Dr. Terence McAteer, Inyo County Superintendent of Schools, provided information on the activities of the County Office of Education, including (a) notification of from 12% to 20% cuts in revenues to local schools, (b) changes at the Jill Kinmont Booth School, i.e., mandatory uniforms, closed campus, reduced student population, (c) the Scholar Day at the County Fair to honor students that excel, (d) the new Youthbuild Charter Program, (e) various community educational opportunities, (f) enforcement of new truancy ordinances enacted by the City of Bishop, the County of Inyo and the Bishop Paiute Reservation, (g) news that the math and language scores for Owens Valley schools are up 10% and 4% respectively, and (h) a brief discussion on the proposed unification of the Bishop Union Elementary School District and the Bishop Joint Union High School District. Dr. McAteer explained that the unification process currently requires State Board of Education approval which is taking about two and half years to complete. He told the Board that there was legislation, AB 174, which would amend the Education Code to allow the unification process to be approved locally, and asked the Board for a resolution or a letter of support for the School Districts unification efforts. Supervisor Brown indicated that she was unwilling to support or not support unification because it was a matter to be determined by the voters of the school districts. Dr. McAteer provided further explanation that he was requesting the Board's support of the legislation in order to take the State out of the process and allow the local jurisdiction to make the decisions regarding unification. The Board directed staff to work with the Chairperson and Dr. McAteer to draft a letter for the Chairperson's signature that would support AB 174 to allow the unification process to be determined at the local level, which is provided for in the County's Legislative Platform under the section which supports local control over local issues.
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 2:55 p.m., to reconvene in closed session to discuss and take action as appropriate on Agenda Items No. 24. <b>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. SIGVPT 09-48538; No. 25. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Pursuant to Government Code §54956.9(c) – decision whether to initiate litigation (one case); No. 26. 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. 27. 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</b>

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: Elected Officials Assistants Association (EOAA) - Negotiators: CAO Kevin Carunchio 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: Inyo County Probation Peace Officers Association (ICPPOA) - Negotiators: CAO Kevin Carunchio and Labor Relations Administrator Sue Dishion and No. 30. **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 8, 2009, in the Board of Supervisors Room, at the County Administrative Center, in Independence.

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*Chairperson, Inyo County Board of Supervisors*

*Attest: KEVIN D. CARUNCHIO  
Clerk of the Board*

*by: \_\_\_\_\_  
Patricia Gunsolley, Assistant*