

MINUTES

County of Inyo Board of Supervisors

September 15, 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, September 15, 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. Rich and Kathy White of the Independence Chamber of Commerce, reported on this year's Cal Expo Exhibit. They informed the Board that attendance at this year's Fair was down and that the County of Inyo had been awarded a gold ribbon for the Exhibit. The Board thanked Mr. and Mrs. White for all of their hard work on the Exhibit and on winning a gold ribbon.
- County Department Reports The Chairperson announced the County Department Report period. Mr. Ted Pedersen, Public Works Director, updated the Board on pending legislation that could affect the Department's operations. Ms. Linda Benson, Assistant Director of Health and Human Services, reported on the successful mentoring event in south County. She also updated the Board on the H1N1 virus, and explained that Dr. Johnson the Inyo/Mono County Health Officer is going to be approaching the Mono County Board of Supervisors regarding declaring a state of emergency as a result of the H1N1 virus. Ms. Tamara Pound, Director of Health Services, provided additional explanation regarding the designation of an emergency in Mono County, saying that because Mono County has paramedics they are able to make the emergency designation, which provides them other avenues for pandemic assistance. Mr. Jon Klusmire, Museum Services Director, updated the Board on museum activities including reminding the Board of tonight's John Stroh presentation on energy generation opportunities in the Owens Valley. The Water Director, Dr. Bob Harrington, reported on the recent Water Commission Meeting, saying that recommendations from the Commission would be forthcoming regarding the closure of Klondike and the re-greening project in Big Pine.
- Resol. #2009-36/
SNC 5th
Anniversary On a motion by Supervisor Arcularius and a second by Supervisor Fortney, Resolution No. 2009-36 titled "A Resolution of the Board of Supervisors, County of Inyo, State of California, Celebrating the Fifth Anniversary of the Sierra Nevada Conservancy," was approved: motion unanimously passed and adopted.
- Emg.Serv./Emerg.
Continued Moved by Supervisor Cash and seconded by Supervisor Arcularius to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.
- CAO-Adv. Co.
Res./Comm.
Sponsorship
Grants Moved by Supervisor Cash and seconded by Supervisor Arcularius to approve payments for 2008-09 Community Project Sponsorship Grant projects to the following organizations: A) Lone Pine Chamber of Commerce in the amount of \$1,931.16; B) Bishop Museum and Historical Society in the amount of \$3,000; and C) Independence Chamber of Commerce in the amount of \$1,128.37. Motion carried unanimously.
- CAO-Purchasing/
Surplus Sale Moved by Supervisor Cash and seconded by Supervisor Arcularius to A) declare certain property surplus as recommended by Staff; B) authorize the transfer thereof to other public entities and non-profit organizations; and C) approve the public auction of County surplus equipment not claimed by those entities/organizations, to be held October 1, 2009, at the Building and Maintenance Yard located at 136 South Jackson Street in Independence. Motion carried unanimously.
- P.W./L.P. Rd.
Closures Moved by Supervisor Cash and seconded by Supervisor Arcularius to authorize the Road Commissioner to approve limited closure of various streets in the town of Lone Pine on September 16, 17, and 18, during highway construction and maintenance related to the Lone Pine CAPM Project. Motion carried unanimously.

- Resol. #2009-37/
No Parking in L.P. On a motion by Supervisor Cash and a second by Supervisor Arcularius, Resolution No. 2009-37 was approved prohibiting parking on small portions of three County streets in Lone Pine: motion unanimously passed and adopted.
- Sheriff/911
Upgrade Moved by Supervisor Cash and seconded by Supervisor Arcularius to A) approve the Dispatch 911 replacement and upgrade approved by the State of California on April 29, 2009, and funded completely by the State of California in the amount not to exceed of \$132,000; B) authorize State approved Contractor, Nine One One, Inc., to provide the Dispatch 911 replacement and upgrade to be compensated directly by the State of California; and C) provide a unsigned purchase order in the amount of \$0.00 to Nine One One, Inc., with the billing to the State of California, to comply with State requirements. Motion carried unanimously.
- Parks/BLM
Tecopa Parks &
Campground
Lease Supervisor Cash wondered why the Agenda Request Form noted that the Lease was contingent upon future budgets when it is a lump sum payment of \$116 for the entire term of the Contract. The CAO explained that it was standard language, which had inadvertently been included and acknowledged that the Agenda identified the appropriate action. Moved by Supervisor Cash and seconded by Supervisor Arcularius to ratify and approve the Lease Agreement between the County of Inyo and the Department of the Interior, Bureau of Land Management for the Tecopa Hot Springs Parks and Campground for the period of June 1, 2001 through December 31, 2012; in the amount of \$116 for the entire term of the lease, and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
- BofS/L.P. Fire
Safe Council
Presentation Mr. Matt Kingsley of the Lone Pine Fire Safe Council, introduced Janice McRoberts also of the Council, who updated the Board on the Fire Safe Council's \$271,000 Stimulus Grant, which was awarded to help establish a firebreak around the community of Lone Pine. He said most of the funds would be used for fuels treatments and a small portion for outreach and education. They thanked the Board for the County Wildfire Protection Plan, which allowed the Council to be eligible for the Grant. Supervisor Cash asked if the "slash" piles on the Reservation were going to be eliminated and Mr. Kinsley explained that the Tribe had opted to submit a separate grant for this work and the project was not approved. He went on to say that if the Fire Safe Council had included that as a part of this project it probably would have been awarded. He also told the Board that the Council was going to be working with the Tribe to submit a subsequent Grant for the project in the next grant cycle. The Board offered congratulations to the group on the successful application. Supervisor Arcularius requested a future workshop on the County Wildfire Protection Plan.
- Resol. #2009-38/
Support BLM
Grant Mr. Jon Klusmire, Director of Museum Services, provided additional information and further clarification on the request for Board support of the BLM's grant application to provide funds to distribute the Inyo and Mono counties touring guides. He provided the Board with copies of both guides, with Supervisor Arcularius noting the difference in the quality of Mono County's guide and asking that Inyo County's guide be brought up to like quality. Mr. Klusmire also provided information on Mono County's administration of this project if the Grant is awarded and introduced Mr. Jim Jennings of the BLM, who responded to questions from the Board. On a motion by Supervisor Cash and a second by Supervisor Arcularius, Resolution No. 2009-38 was approved, supporting the Bureau of Land Management's application for a state grant that, if successful, would provide funds to distribute the current Inyo County Motor Touring Guide and then reprint the new, updated edition of the guide; and direct Planning Staff to complete the appropriate California Environmental Quality Act document for the project: motion unanimously passed and adopted.
- Closed Session The Chairperson recessed open session at 9:40 a.m., to convene in closed session, with all Board Members present, to discuss and take action as appropriate on Agenda Items No. 5. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Pursuant to Government Code §54956.9(c) – decision whether to initiate litigation (one case);** and No. 6. **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").** The Chairperson recessed closed session at 11:05 a.m., to reconvene in open session, with all Board Members present.

Resol. #2009-39/
Final Budget

The County Administrator reviewed the Staff report and recommendations regarding the adoption of the FY 2009-2010 Final Budget. He noted that the Constable Budget Unit is being eliminated because as a result of Court unification by the State the position of Marshall no longer exists. He noted other changes and reviewed some of the statistics. Moved by Supervisor Cash and seconded by Supervisor Fortney to acknowledge the review and discussion of the FY 2009-2010 Final Board Approved Budget including but not limited to: 1) those changes to the CAO Recommended Budget that were directed by your Board to be included in the Final Budget; and 2) any other changes which may be made as a result of this discussion; adopt the FY 2009-2010 Final Budget as recommended by the County Administrator; and authorize the County Administrator to sign contracts or contract amendments with the FY 2009-2010 Grants-In-Support Program applicants for the period of July 1, 2009 through June 30, 2010, without deviation with regard to funding amount, in the amounts provided for in the FY 2009-2010 Final Board Approved County Budget; and contingent upon the appropriate signatures being obtained. Motion carried unanimously.

On a motion by Supervisor Cash and a second by Supervisor Fortney, Resolution No. 2009-39 was approved adopting the Final Budget for FY 2009-2010: Motion unanimously passed and adopted.

Assessor/Special
Counsel Contract
Amendment

Moved by Supervisor Fortney and seconded by Supervisor Arcularius to approve the Amendment to the Contract between the County of Inyo and Kronick, Moskovitz, Tiedemann & Girard, for provisions of Special Counsel, to increase the Contract by \$75,000 to an amount not to exceed \$175,000, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.

Probation/
Recruitment
Approval

Mr. Jake Morgan, Deputy Probation Officer, spoke on behalf of the Chief Probation Officer to offer additional information and further justification for the request to fill vacant positions in the Department. Moved by Supervisor Cash and seconded by Supervisor Arcularius to find that consistent with the adopted Authorized Position Review Policy A) the availability of funding for the requested positions comes from the General Fund, as certified by the Chief Probation Officer and concurred with by the County Administrator and the Auditor-Controller; and B) authorize the open recruitment and filling of one Deputy Probation Officer I position at Range 67 (\$3,852 – \$4,676) and one part-time Group Counselor position at Range PT862 (\$18.36 per hour). Motion carried unanimously.

Sheriff/Recruitment
Approval

The Sheriff provided additional information and further justification for the request to fill vacant positions within the Department. Moved by Supervisor Fortney and seconded by Supervisor Cervantes to find that consistent with the Authorized Position Review Policy: A) the availability of funding for the requested position comes from the General Fund, as certified by the Sheriff, and concurred with by the County Administrator and Auditor-Controller; B) authorize the departmental recruitment and filling of one Sergeant position at Range 74SB (\$4,891 – \$5,940), one Corporal position at Range 70SB (\$4,443 – \$5,404), and two Investigator positions at Range 71SC (\$4,644 - \$5,648) contingent upon the Board's adoption of a FY 2009-2010 Budget; C) approve the hiring of one Deputy Sheriff position at Range 67SA (\$3,948 - \$4,804) contingent upon the Board's adoption of a FY 2009-2010 budget; and D) approve the hiring of one part-time B-Par cook position at Range PT846 (\$12.65 per hour) contingent upon the Board's adoption of a FY 2009-2010 budget; and further direct that Personnel Staff counsel employees who may be considered for positions of the ramifications of promotions should lay offs be necessary. Motion carried unanimously.

Water Dept./
Recruitment
Approval

Dr. Harrington, Water Director, corrected the Agenda Request Form, by explaining that the beginning salary for the Admin Analyst II position was \$3,946 and not the \$3,757 referenced. Moved by Supervisor Cervantes and seconded by Supervisor Fortney to find that consistent with the Authorized Position Review Policy: A) the funding for the requested position is available in the Water Department Budget, as certified by the Water Director and concurred with by the County Administrator and Auditor-Controller; B) authorize the internal recruitment and filling for an Administrative Analyst I/II position, at Range 66 (\$3,757 - \$4,574) or Range 68 (\$3,946 - \$4,794); and C) and change the authorized strength by deleting one Administrative Secretary II position at Range 62 (\$2,980 – \$4,166), and further direct that Personnel Staff counsel employees who may be considered for positions of the ramifications of promotions or changing jobs should lay offs be necessary. Motion carried unanimously.

Board Members and Staff Reports The Board Members reported on their activities during the preceding week, including a Foster Care Committee Meeting, a reminder that the Area Code Overlay will be implemented in October, Reverse 911 emergency notification system is being modified as a result of the Forks Fire to identify those needing special assistance by community, an update on the Digital 395 Project, a Bishop City Council Meeting, a CSAC Executive Board Meeting, a Southern Inyo Hospital Meeting, a Great Basin Air Pollution Control District Board Meeting, the Unified Command Meeting, the Water Commission Meeting, a Friends of the Mt. Whitney Hatchery Meeting, a Big Pine Civic Club Meeting, and a tour of Black Rock Fish Hatchery.

Public Comment The Chairperson announced the second public comment period and there was no one from the public wishing to address the Board.

Recess/Reconvene The Chairperson recessed the regular meeting at 12:30 p.m., to reconvene in closed session at 1:15 p.m., with all Board Members present.

Closed Session County Counsel noted a change in the negotiators on Agenda Item No. 23. naming Undersheriff Jim Jones, and Deputy County Counsel Susanne Rizo, as negotiators and deleting Sheriff Bill Lutze and County Administrator as negotiators. The Board reconvened in closed session to discuss and take action as appropriate on Agenda Items No. 22. **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. 23. **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: Undersheriff Jim Jones, Labor Relations Administrator Sue Dishion and Deputy County Counsel Susanne Rizo; No. 24. **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. 25. **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; No. 26. **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; and No. 27. **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.

Report on closed Session The Chairperson recessed closed session at 3:40 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 3:40 p.m., to 9:00 a.m., Tuesday, October 6, 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