

MINUTES

County of Inyo Board of Supervisors

November 24, 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, November 30, 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. Mr. Jack Pound, Independence Resident, read a letter into the record, which requested the Board hold a meeting in Independence on December 8, 2009 to consider his suggestions for local government. Supervisor Cervantes provided information concerning the status of the State budget deficit.
- County Department Reports The Chairperson announced the County Department Report period. The Auditor-Controller, Ms. Leslie Chapman, presented this year's budget book to the Board, highlighting some of the information contained in the report and notifying the Board of potential legislative changes in how this information will be compiled and presented in the future. Sheriff Lutze informed the Board that the Reverse 911 system is up and running. Mr. Ted Pedersen, Public Works Director, reported on the annual CEAC Conference and introduced Mr. Courtney Smith of his Department, who updated the Board on the STIP process. Dr. Bob Harrington, Water Director, informed the Board of a request that has been made by Steve Bradhurst, Executive Director of the Central Nevada Water Authority, requesting the County's participation in the upcoming Great Basin Water Forum to be held in Reno in December. Dr. Harrington said that he would bring back an item next week for Board action. Mr. Jon Klusmire, Museum Services Director, updated the Board on the Geotourism webpage. At the conclusion of the Department reports the Chairperson noted that the Board is unable to participate in discussions during public comment and asked that Mr. Pound's letter be placed on next week's Agenda for Board input on his request.
- County Counsel
Brown Act
Workshop The Chairperson recessed open session at 9:25 a.m., to convene in a workshop, with all Board Members present, to receive a presentation by Mr. Randy Keller, Inyo County Counsel, on the Ralph M. Brown Act regarding local agency decisions, conducting open and closed session meetings, etc. At the conclusion of the workshop, Supervisor Cash requested a future workshop on the Board's involvement with personnel matters. The Chairperson recessed the workshop at 9:55 a.m., to reconvene in open session at 10:05 a.m., with all Board Members present.
- Emerg. Serv./Mud
Flow Cont'd. 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.
- Clerk-Elections/
Statement of Votes
Cast Moved by Supervisor Cervantes and seconded by Supervisor Fortney to issue the order accepting the statement of All Votes Cast at the UDEL Election held November 3, 2009 and declare elected those offices according to the number of votes for each as shown on the Statement of All Votes Cast. Motion carried unanimously.
- Resol. #2009-49/
Drug Suppression
Grant On a motion by Supervisor Cervantes and a second by Supervisor Arcularius, Resolution No. 2009-49 was approved, authorizing the submittal of the reapplication for Inyo County Drug Suppression Task Force Grant to the California Emergency Management Agency (Cal-EMA) for FY 2009-2010; and authorize the District Attorney to sign the application: motion unanimously passed and adopted.
- Resol. #2009-50/
Victim Witness
Grant On a motion by Supervisor Cervantes and a second by Supervisor Arcularius, Resolution No. 2009-50 was approved, authorizing the submittal of the Victim Witness Assistance Program (VW 09 180 0140), Victim Witness Recovery Act Program (VS 09 01 0140), and the Victim Witness Assistance Recovery Act (RV 09 01 0140) applications for Inyo County Victim/Witness Grant to the California Emergency Management Agency (Cal-EMA) for FY 2009-2010; and authorize the District Attorney to sign the applications: motion unanimously passed and adopted.

Resol. #2009-51/ Vertical Prosecution Grant	On a motion by Supervisor Cervantes and a second by Supervisor Arcularius, Resolution No. 2009-51 was approved, authorizing the submittal of the reapplication for Statutory Rape Vertical Prosecution Grant to the California Emergency Management Agency (Cal-EMA) for FY 2009-2010; and authorize the District Attorney to sign the application: motion unanimously passed and adopted.
E. Health/IDEXX P. O.	Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to approve the purchase of water testing supplies from IDEXX Laboratories, Inc., through a blanket purchase order in an amount not to exceed \$7,500 for the period of November 18, 2009 through June 30, 2010. Motion carried unanimously.
Rd. Dept./Coso Road Closure	Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to authorize the Road Commissioner to approve limited closure of Coso Road for installation of a 20" diameter pipeline for the Coso Geothermal facility. Motion carried unanimously.
Resol. #2009-52/ Meth Enforcement Grant	On a motion by Supervisor Cervantes and a second by Supervisor Arcularius, Resolution No. 2009-52 was approved, authorizing the submittal of the reapplication for California Multi-Jurisdictional Methamphetamine Enforcement Team Grant to the California Emergency Management Agency (Cal-EMA) for FY 2009-2010, and authorize the Sheriff to sign the application: motion unanimously passed and adopted.
Water Dept./Fiscal Workshop	The Chairperson recessed open session at 10:07 a.m., to convene in a workshop, with all Board Members present, to receive a presentation by the Water Director, summarizing the financial condition of the Water Department. The Chairperson recessed the workshop at 10:35 a.m., to reconvene in open session, with all Board Members present.
Planning/Public Hearing Z.R. #2009-04/ Batchelder	The Chairperson opened the public hearing at 10:40 a.m., on a proposed ordinance titled "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, approving Zone Reclassification #2009-04/Batchelder and Amending the Zoning Map of the County of Inyo by Rezoning Three Parcels in the Community of Laws from M-1/General Industrial & Extractive to M-2/Light Industrial: a .64-acre site located at 207 McNally Street (APN 010-220-12), a .60-acre site located at 111 McNally Street (010-220-11) and a .96-acre site located at 111 Silver Canyon Road (010-220-14)." Ms. Tanda Gretz, Senior Planner, reviewed the Staff Report and recommendations. The Staff Report and all attachments were entered into the record as Exhibit A. Ms. Gretz informed the Board that the applicant Mr. Batchelder had intended on being here for today's hearing, but due to a family emergency he was unable to attend. There being no one wishing to address this issue, the Chairperson closed the public hearing at 10:49 a.m.
Resol. #2009-53/ CEQA Certification Z.R. #2009-04	On a motion by Supervisor Cash and a second by Supervisor Arcularius, Resolution No. 2009-53 is approved, certifying that the requirements of the California Environmental Quality Act (CEQA) have been met: motion unanimously passed and adopted.
Planning/Z.R. #2009-04	Moved by Supervisor Cash and seconded by Supervisor Arcularius to waive the first reading of the ordinance approving Zone Reclassification #2009-04/Batchelder and schedule the enactment for 10:30 a.m., Tuesday, December 1, 2009, in the Board of Supervisors Room, at the County Administrative Center, in Independence. Motion carried unanimously.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 10:50 a.m., to reconvene in open session at 10:55 a.m., with all Board Members present.
BofS/Save Klondike Lake Ad Hoc Committee	The Board received a report from Supervisors Cash and Fortney on their work with the Save Klondike Lake Committee. They commented on a letter the Board had received from a person alleging Brown Act violations by the Ad Hoc Committee. Mr. Randy Keller, Inyo County Counsel, said he did not believe there were Brown Act violations and clarified the Brown Act in relation to an Ad Hoc Committee of the Board. Both Supervisors Cash and Fortney explained that they had initially volunteered to participate with the Save Klondike Lake Committee in the hopes that they could help the group and DWP resolve access issues. They went on to say that it appears that their involvement has hindered the group's efforts more than helped, and as such they considered this report the Ad Hoc Committee's final report. Moved by Supervisor Fortney and seconded by Supervisor Cash to discontinue the Ad Hoc Committee of the Board associated with the Save Klondike Lake Committee. Motion carried unanimously.

BofS/Minute Approval	Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve the minutes of the Board of Supervisors meetings of A) November 3, 2009, and B) November 10, 2009. Motion carried unanimously.
Road Dept./Ft. Independence Road Closure	The Public Works Director, Mr. Ted Pedersen, provided further information and additional explanation on the request by the Fort Independence Reservation to have Fort Independence Road closed to traffic on the Sunday after Thanksgiving. Mr. Pedersen noted that a letter from the Tribe officially requesting the road closure had been provided to the Board. In response to concerns identified by Supervisor Fortney regarding locals trying to enforce the closure on non-local traffic and Supervisors Cash and Arcularius' concerns with only closing the road to certain segments of traffic, Mr. Pedersen confirmed that the road would be closed to all traffic. Mr. Pedersen informed the Board that the Tribe would be responsible for putting up and taking down the barricades. He also told the Board that in anticipation of a similar request for the upcoming Christmas Holiday, he is requesting the California Highway Patrol and the Inyo Sheriff's Department to observe the traffic patterns into Independence to help determine if there is a need for future road closures. Mr. Israel Naylor, Fort Independence Tribal Chairperson, addressed the Board to provide further clarification on the road closure request and to tell the Board that the Tribe will also be closing several Reservation roads. Moved by Supervisor Fortney and seconded by Supervisor Cash to grant authority to the Road Commissioner to close the north access to Fort Independence Road to all traffic, except emergency vehicles, from 9:00 a.m. to 4:00 p.m. on Sunday, November 29, 2009. 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 11:30 a.m., to convene in closed session, with all Board Members present to discuss and take action as appropriate on Agenda Items No. 17. 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. 18. 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. 19. 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. 20. 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; No. 21. 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. 22. PERSONNEL (Pursuant to Government Code §54957)- Public Employee Performance Evaluation – Title –Water Director; and No. 23. CONFERENCE WITH LABOR NEGOTIATOR (Pursuant to Government Code §54957.6) – Instructions to Negotiators re: wages, salaries and benefits – Title – Water Director - Negotiator – as designated by the Board of Supervisors. The Chairperson recessed closed session at 12:10 p.m., to reconvene in closed session at 1:15 p.m., with all Board Members present.
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 that with regard to Agenda Items No. 17. 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. 18. 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. 19. 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. 20. 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; No. 21. **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; the Board of Supervisors, after consultation with various unions, has passed along to the employees the CalPERS health plan premium holiday, in a unanimous vote, with Supervisors Arcularius, Cash, Brown, Fortney and Cervantes voting yes, the Board directed employees will not have the 1% health care benefit payment deducted from their salaries for the pay periods of November 20, December 5, December 20, and December 31, 2009.

Adjournment

The Chairperson adjourned the regular meeting at 4:59 p.m., to 9:00 a.m., Tuesday, December 1, 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