

# MINUTES

# County of Inyo Board of Supervisors

## December 1, 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, December 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 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    The Chairperson announced the County Department report period. Ms. Mary Roper, Clerk-  
Reports                Recorder reported on the New Law Workshop she had attended. Mr. Ted Pedersen, Public Works  
Director, reported on Department projects and an Energy Efficiency Block Grant.
- Emerg. Serv./Mud      Moved by Supervisor Cash and seconded by Supervisor Fortney to continue the local emergency  
Flow Continued        as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.
- HHS-Child Care        Moved by Supervisor Cash and seconded by Supervisor Fortney to re-appoint the following to the  
Planning Council      Child Care Planning Council, to complete three-year terms ending November 1, 2012: Krista Cooper,  
Appointments        Karen Inderbieten, Gayle Johnson, Kathy Rose, and Verna Sisk. Motion carried unanimously.
- HHS-Hlth. Serv./      Moved by Supervisor Cash and seconded by Supervisor Fortney to approve the Memorandum of  
IHSS MOU              Understanding (MOU) between Life Remedies and Celebrations (the non profit consortium  
providing Employer of Record services to In Home Supportive Services providers) and the  
California United Homecare Workers Union for the period of December 1, 2009 through November  
30, 2011; and authorize the Chairperson to sign. Motion carried unanimously.
- HHS-Behavioral        Moved by Supervisor Cash and seconded by Supervisor Fortney to approve the Contract between  
Hlth./Alpine          the County of Inyo and Alpine Counseling Center for the provision of drug court related services in  
Counseling            an amount not to exceed \$18,120 for the period of January 1, 2010 through December 31, 2010,  
Contract              contingent upon the Board's approval of FY 2010/2011 budget; and authorize the Chairperson to  
sign. Motion carried unanimously.
- HHS-Behavioral        Moved by Supervisor Cash and seconded by Supervisor Fortney to appoint the following to the  
Health/Mental        Mental Health Advisory Board A) Wanda Hodgekinson to complete an unexpired three-year term  
Health Advisory      ending June 30, 2011; B) Betty Hinga to complete a three-year term ending June 30, 2012; C)  
Board                  Barbara Lieberman to complete a three-year term ending June 30, 2012; and D) Steven Cox to  
Appointments        complete a three-year term ending June 30, 2012. Motion carried unanimously.
- Resol. #2009-54/      On a motion by Supervisor Cash and a second by Supervisor Fortney, Resolution No. 2009-54 was  
Notice of              approved, accepting the improvements and authorizing the recording of a Notice of Completion for  
Completion            the Ed Powers and Red Hill Road Improvement Project: motion unanimously passed and adopted.
- Resol. #2009-55/      On a motion by Supervisor Cash and seconded by Supervisor Fortney, Resolution No. 2009-55  
Notice of              was approved, accepting the improvements and authorizing the recording of a Notice of  
Completion            Completion for the Schabbell Lane Improvement Project: motion unanimously passed and adopted.
- P.W./Quincy          Supervisor Cervantes asked for more information regarding the award of the Contract to Quincy  
Engineering          Engineering for the Sabrina Bridge Replacement Project. Mr. Ted Pedersen, Public Works  
Contract              Director, explained the process whereby "requests for qualifications" are evaluated. He said that  
the selection is based on the Contractor's qualifications and a contract is negotiated after the  
selection is made.

Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve the Contract between the County of Inyo and Quincy Engineering, Inc., for environmental and engineering design services for the Sabrina Bridge Replacement Project in the amount of \$489,082 for the period of December 1, 2009 through June 30, 2012, contingent upon the Board's adoption of future budgets, and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained; and authorize the Director of Public Works to sign the Certification of Local Agency form which is required for federally funded consultant contracts for amounts greater than \$250,000. Motion carried unanimously.

HHS-Tobacco  
Prgm./CTCP  
Approval

Ms. Karen Kong, Tobacco Control Project Director, reviewed the proposed County Tobacco Control Program Comprehensive Plan. Moved by Supervisor Arcularius and seconded by Supervisor Cash to approve the Inyo County Tobacco Control Program 2010-2013 Comprehensive Tobacco Plan (CTCP) as written and authorize the Tobacco Control Project Director to submit the Plan to the State Department of Public Health, Tobacco Program. Motion carried unanimously.

Water Dept./Great  
Basin Water Forum  
Meeting

The Water Director, Dr. Bob Harrington, reviewed the draft agenda for the upcoming Great Basin Water Forum in Reno, Nevada, on December 17, 2009. Dr. Harrington explained that this is one of the meetings the County agreed to attend as a result of the Memorandum of Understanding between the County and the Central Nevada Water Authority. The Board and Dr. Harrington discussed the items, with the Board supporting Supervisor Arcularius' continued participation with the Central Nevada Water Authority and her attendance of this meeting, as the Board Representative.

Parks/Prop 40  
Funding Assistance  
Letter

The Board reviewed the proposed letter to Senator Ashburn requesting his assistance in contacting the State Department of Parks & Recreation on behalf of Inyo County regarding the release of Proposition 40 funding. The Board and Staff discussed the letter, as well as the situation with the Proposition 40 funds that predicated the letter. The Deputy County Administrator explained that the County needs advance funds to be released in order to complete the environmental review process and that the State had previously said the environmental work was an authorized prepayment expense but are now saying the money is only available for reimbursement. The County Administrator added that it might not be prudent for the County to continue to upfront money for the project if there are no assurances from the State that the money will be available as provided by the Grant. The Board requested that the letter be tweaked slightly so that it reads more fluidly. Moved by Supervisor Cervantes and seconded by Supervisor Fortney to approve a letter to Senator Ashburn requesting his assistance in contacting the State Department of Parks and Recreation on behalf of Inyo County regarding the release of Proposition funding, as revised by Staff; and authorize the Chairperson to sign. Motion carried unanimously.

Recess  
Reconvene

The Chairperson recessed the regular meeting at 10:00 a.m., to reconvene in open session at 10:10 a.m., with all Board Members present.

CAO-Adv. Co.  
Resc./Comm.  
Project Grant  
Awards

Mr. John Klusmire, Museum Services Director, reviewed the Community Project Sponsorship Program Review Panel recommendations for award of project grants. The Board and Mr. Klusmire discussed the evaluation criteria and the rating scale vs. award amount, with the Board expressing a desire to, in the future, revisit this portion of the grant process to see what improvements can be made. Ms. Tawny Thomson, Executive Director of the Bishop Chamber of Commerce and Visitors Center, addressed the Board to (a) thank the County for its continued support, and (b) identify concerns with the Fishing Opener Press Reception and the Winter Fish Stocking Projects not rating high enough this year to be funded. Ms. Thomson explained that as a result of the loss of the funding support the Press Reception will go forward but on a very scaled back version and the winter fish stocking will not happen at all this year. She said that in the past both of these projects had been used as examples of the types of projects to be funded through the Community Grant Program. She explained how the reduction and/or loss of these two important projects, which benefit the entire County, would adversely impact the effectiveness of the Chamber's tourism efforts. Mr. Dave Patterson of the Bishop Chamber of Commerce, also addressed the Board to share his concern that this year the two long-running Bishop Chamber of Commerce Projects were not ranked high enough in the scoring to qualify for funding. Supervisors Fortney and Arcularius qualified that while they were not willing to change the recommendations for award and funding of the Community Project Sponsorship Grants, they too were concerned with these projects not receiving funding. Supervisor Arcularius said that when long-standing projects like the winter fish stocking are not perpetuated in a consistent manner, it can take years to regain what is lost. Supervisor Fortney noted that this was his first opportunity to participate in the grant award process and questioned (a) the scoring criteria, (b) that it was a five-member review panel with only four

members participating, and (c) the correlation of the funding amounts to the average score received by the individual projects. He noted the importance of fishing to the local economy. Supervisor Fortney also addressed his concern with the two Bishop Chamber projects not being funded and questioned the low scores for those projects. Supervisor Cash expressed her gratitude to the members of the Review Panel, noting what a difficult job it was to rank the great projects that had been submitted. She said that she was extremely pleased that the County was able to fund fifteen out of eighteen projects. The Board continued to discuss the recommendations for grant awards with the Board Members, individually and collectively supporting the projects that were funded. The Board requested that Staff schedule a workshop with the Board in the future in order to discuss and revise, where appropriate, the Community Project Sponsorship grant evaluation process. Additionally the Board said they wanted the future Review Panels to have a full five-member panel make the recommendations. At the conclusion of their comments the Board Members offered their thanks and appreciation for the efforts and work done by the Review Panel Members.

Moved by Supervisor Cash and seconded by Supervisor Cervantes to approve the 2009-2010 Community Project Sponsorship Program Grant awards recommended by the Community Project Sponsorship Program Grant Review Panel, and in the amounts recommended by Program Staff in the total amount of \$100,000; and authorize the County Administrator to sign the Contracts with the FY 2009-2010 Community Project Sponsorship Program applicants, in the amounts approved by the Board, contingent upon the appropriate signatures being obtained. Motion carried unanimously.

Recess/  
Reconvene                    The Chairperson recessed the regular meeting at 11:45 a.m., to reconvene in open session at 11:50 a.m., with all Board Members present.

Ord. 1149/Z.R.  
2009-04/Batchelder                    On a motion by Supervisor Cash and a second by Supervisor Arcularius, Ordinance 1149, 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)," was approved: motion unanimously passed and adopted.

Integ. Waste/Status  
of Tecopa  
Shoshone Landfills                    The Chairperson recessed open session at 12:00 p.m., to convene in a workshop with Integrated Waste Management Staff on the purchase or closure of the Tecopa and Shoshone landfills. The Chairperson recessed the workshop at 12:25 p.m., to reconvene in open session, with all Board Members present.

Integ. Waste/Resol.  
Re: Tecopa &  
Shoshone Landfills                    The Chairperson announced that as a result of the previous workshop, the request to approve a resolution initiating the patent process and stipulating the County's intent to convert the ownership of the Shoshone and Tecopa landfills from Federal ownership to County ownership, was being reengidized in the future.

Recess/  
Reconvene                    The Chairperson recessed the regular meeting at 12:40 p.m., to reconvene at 1:30 p.m., in open session, with all Board members present.

Resol. #2009-56/ Ed  
Powers & Red Hill  
Roads Bicycle  
Lanes                    Mr. Courtney Smith, Transportation Planner, presented the Board with a copy of the grant application for the bicycle lanes on Ed Powers Road and Red Hill Road. He corrected the amount of the County match shown on the Agenda Request Form from \$86,780 to \$89,690. The Board discussed the project and potential funding sources for the County required match. The Board asked for clarification regarding whether today's action would commit the County to accepting the grant funds. Mr. Ted Pedersen, Director of Public Works, explained that the County has the opportunity to not accept the grant funds even if the project is approved. County Counsel, Mr. Randy Keller requested that the resolution be approved contingent upon the insertion of "contingent upon the County accepting the grant funding" at the end of the last sentence in the "Be It Further Resolved" paragraph. At the end of the discussion, Supervisor Cash requested the placement of "share the road" signs on Warm Springs Road. On a motion by Supervisor Arcularius and a second by Supervisor Fortney to approve Resolution No. 2009-56 to (a) approve the submittal of a Bicycle Transportation Account application for the installation of four foot wide bicycle lanes on Ed Powers and Red Hill Roads, and (b) commit to providing local matching funds in the amount of \$86,780, contingent upon the County accepting the grand funding: motion unanimously passed and adopted.

BofS/J. Pound  
Request for Meeting

The Chairperson explained that Mr. Jack Pound of Independence, had made a request at last week's Board Meeting, during public comment, which the Board was unable to address at the time because of Brown Act requirements. She asked the Board Members how they wanted to proceed with regard to Mr. Pound's letter requesting the Board conduct a meeting on December 8, 2009 to talk about placing an initiative on the June 8, 2009 Ballot, asking the voters if the County of Inyo should become a "charter county" and if so whether the voters want Mr. Pound's 10 recommendations to be included in the charter. The Chairperson noted that Mr. Pound was not present for this item. Ms. Mary Roper, Inyo County Clerk-Recorder, addressed the Board citing a government code that allows for five members for the Board of Supervisors. County Counsel, Mr. Randy Keller, clarified that the Code Section specified by Ms. Roper applies to "general law" counties, and that charter counties may stipulate more members just not less than five. The individual Board Members noted that no one had contacted them regarding support for this request. The Board discussed the request including (a) that the request for a meeting to consider creating a charter for Inyo County had been made by an individual and did not appear to have public support; (b) that the "charter county" process is very lengthy and can take up to three years to complete; (c) that information needs to be gathered on the pros and cons of Inyo County becoming a "charter county" before the Board can discuss the recommendation or before public meetings are conducted; (d) should Staff time and County funds be devoted to researching and reporting on the idea of forming a charter county; (e) that a meeting in two weeks does not provide sufficient time for the information to be gathered and reported on; (f) that there is a mechanism whereby the requestor, Mr. Pound, can have an initiative placed on the ballot, which includes gathering signatures from the voters who support his recommendations; and (g) that the impetus is on Mr. Pound to garner support for his recommendations. The Board concluded that it was not going to conduct the meeting as requested by Mr. Pound for a local government workshop on his suggestions for a County charter for the variety of reasons it had discussed. With regard to notification to Mr. Pound, Supervisor Fortney offered to talk with Mr. Pound to relay the Board's position on his request, including suggesting that Mr. Pound might want to take his request to the Independence Civic Club for their consideration in supporting his efforts.

Public Comment

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

Board Members and  
Staff Reports

The Board Members reported on their activities during the preceding week, including talking about federal flood plane mapping efforts that are proceeding, without local input, and which will have an impact on flood insurance in the future, an announcement that Supervisor Cash is now the Treasurer of CSAC, a report on the CSAC Annual Conference, a Southern Inyo Hospital Meeting, an Alabama Hills Stewardship Group Meeting, an EMCC Meeting, a LTC Meeting, an IMAAA Meeting, a LAFCO Meeting, an Invasive Species Council conference call, a RCRC Executive Board Meeting, and the County Administrator noting that he is working on a letter with the Chairperson to our Federal delegation on geothermal royalties legislation.

Closed Session

County Counsel reported that the Board was pulling from consideration closed session items No. 25. **PERSONNEL (Pursuant to Government Code §54957)**- Public Employee Performance Evaluation – Title –Health and Human Services Director; No. 26. **CONFERENCE WITH LABOR NEGOTIATOR (Pursuant to Government Code §54957.6)** – Instructions to Negotiators re: wages, salaries and benefits – Title – Health and Human Services Director - Negotiator – as designated by the Board of Supervisor; No. 27. **PERSONNEL (Pursuant to Government Code §54957)**- Public Employee Performance Evaluation – Title –Public Works Director; No. 28. **CONFERENCE WITH LABOR NEGOTIATOR (Pursuant to Government Code §54957.6)** – Instructions to Negotiators re: wages, salaries and benefits – Title – Public Works Director - Negotiator – as designated by the Board of Supervisor; and No. 29. **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.

The Chairperson recessed open session at 3:15 p.m., to convene in closed session, with all Board members present to discuss and take action as appropriate on Agenda Item No. 21. **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. 22. **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. 23. **PERSONNEL (Pursuant to Government Code §54957)**- Public Employee Performance Evaluation – Title –Water Director; and No. 24. **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.

- Report on Closed Session      The Chairperson recessed closed session at 4:20 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 4:20 p.m., to 9:00 a.m., Tuesday, December 15, 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*