

MINUTES

County of Inyo Board of Supervisors

February 9, 2010

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, February 9, 2010, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Richard Cervantes presiding, Linda Arcularius, Susan Cash, Beverly Brown, and Marty Fortney. Supervisor Cervantes provided the Invocation.

- Pledge of Allegiance In honor of the Anniversary of 100 Years of Scouting in America, representatives of the local Boy Scout Troops presented the Flag and lead the Pledge of Allegiance.
- Resol. #2010-07/
100 Years of
Scouting In
America On a motion by Supervisor Cash and a second by Supervisor Arcularius, Resolution No. 2010-07 titled "A Resolution of the Board of Supervisors, County of Inyo, State of California Celebrating 100 Years of Scouting in America;" was adopted: motion unanimously passed and adopted. Supervisor Arcularius read Resolution No. 2010-07 into the record and the Chairperson, commended the Scouts for participating into today's flag presentation and for leading the Pledge of Allegiance, and presented the scouts from the Bishop and Lone Pine Troops with framed copies of the Resolution.
- Public Comment The Chairperson announced the public comment period. Supervisor Arcularius, on behalf of the Board, thanked Supervisor Cervantes for arranging today's presentation, and for his many years of involvement with the Boy Scouts.
- County
Department
Reports The Chairperson announced the County Department Report period. Mr. Chuck Hamilton, Deputy County Administrator, announced that the County in conjunction with the Bishop Chamber of Commerce will be planting Alpers Trout to help offset the lack of funding for the Bishop Chamber of Commerce's Winter Fish Planting Program. He said that they will stock Pleasant Valley Reservoir on February 12, the Owens River between Laws and Warm Springs on February 26 and March 5, and Diaz Lake on March 26. Mr. Ted Pedersen, Public Works Director, informed the Board that he continues to monitor State budget actions that may impact his Departments. Dr. Bob Harrington, Water Director, updated the Board on the pumping test on well 416 saying that as expected the test is nearing the trigger points and they expect the pumping to be shut off far in advance of the test deadline. Dr. Harrington also told the Board that the Technical Group had reached a decision with regard to the LORP Work Plan and Budget that would be presented at the upcoming Standing Committee Meeting. Supervisor Arcularius requested that the Board receive an update on the status of the Coso pumping. The Agricultural Commission, Mr. George Milovich, reported on a recent Ag Commissioners Meeting.
- Emerg. Serv./Mud
Flow Continued Moved by Supervisor Cash and seconded by Supervisor Fortney to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.
- Motor Pool/Sheriff
Vehicle Equipped Moved by Supervisor Cash and seconded by Supervisor Fortney to authorize the purchase of services for equipping one Sheriff Department vehicle, a 2010 Ford 3/4 Ton Extended cab 4x4 pickup, from Nielsen's Equipment Maintenance, a sole-source provider for the services, in the amount of \$5,544.56. Motion carried unanimously.
- CAO-Personnel/
Turner Contract
Amendment The County Administrator noted that while the Board received a copy of the salary resolution, the action regarding the adoption of the resolution to reflect the salary of the Health and Human Services Director, will be agendized next week. Moved by Supervisor Cash and seconded by Supervisor Fortney to ratify and approve Amendment No. 3 to the Agreement between the County of Inyo and Jean Turner for personal services, to increase Officer's salary by \$489 per month to a total monthly salary of \$10,273, contingent upon the Department of Health and Human Services continuing to fulfill the County's contractual obligations to the Inyo Mono Area Agency on Aging; and authorize the Chairperson to sign. Motion carried unanimously.

HHS-Soc. Serv./ Foster Family Home Licensing Amended MOU	Moved by Supervisor Cash and seconded by Supervisor Fortney to ratify and approve the Amended Memorandum of Understanding between the County of Inyo and the State of California Department of Social Services Foster Family Homes Licensing Division for the provision of Foster Family Home Licensing functions, effective July 1, 2009; and authorize the Chairperson to sign. Motion carried unanimously.
P.W./RMT Contract Amendment	Moved by Supervisor Cash and seconded by Supervisor Fortney to approve Amendment No. 2 to the Contract between the County of Inyo and RMT, Inc., for the provision of environmental consulting services for Phase II of the Dehy Park Improvement Project, increasing the Contract amount from \$108,000 to \$150,000; and authorize the Public Works Director to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
Rd. Dept./Liquid Asphalt Contract	Moved by Supervisor Cash and seconded by Supervisor Fortney to award and approve the Contract between the County of Inyo and Environmental Concepts for liquid asphalt products, in an amount not to exceed \$156,524, for the period of February 1, 2010 through June 30, 2010; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
Rd. Dept./Padre Pt. Road Closure	Moved by Supervisor Cash and seconded by Supervisor Fortney to authorize the Road Commissioner to approve limited closure of Padre Point Road for construction of Padre Point scenic overlook parking area. Motion carried unanimously.
Library/Holiday Closures	Supervisors Cash and Arcularius expressed concern with the request to allow the Library Director to leave various branches open on various Saturdays of 3-day holiday weekends. Supervisor Cash noted that the Staff Report identifies the alternative that the Board may elect to close all of the branches. She explained that the discretionary option is not available to other facilities like the landfills. She said all of the library branches should either be opened or closed, it should not be left to a branch-by-branch and/or date-by-date basis. Supervisor Arcularius concurred saying that the public has the right to know when the libraries are opened and closed, and by leaving it discretionary, it would allow for a great deal of confusion. Moved by Supervisor Cash and seconded by Supervisor Brown to authorize the closure of all library branches on the following Saturdays because of 3-day holiday weekends in 2010: February 13 th , May 29 th , July 3 rd , September 4 th , November 27 th , and December 25 th . Motion carried unanimously.
P.W./Deputy Director Position	Supervisor Cash announced that she would be abstaining from voting on this item for personal reasons and confirmed that she did not have a conflict. County Counsel explained that she could remain at the dais if she were simply abstaining and did not have a conflict. The Public Works Director, provided additional information and further justification for the request to recruit for a Deputy Public Works Director. He pointed out an anomaly with the salary in that the Deputy position at a Range 83 is less than the salary of a Senior Engineer who gets premium pay. The Board discussed this aspect of the job description, as well as the possibility of requiring the Deputy be an engineer. The County Administrator explained that the current position does not require an engineering degree. The Board and staff continued to discuss the position. Supervisor Arcularius requested that the Board be kept apprised of the results of the recruitment. Supervisor Arcularius also took the opportunity to share with the Public Works Director a letter she had received from a constituent thanking the County for the resurfaced Barlow Lane north of 395. Moved by Supervisor Fortney and seconded by Supervisor Arcularius to A) approve the Deputy Director Public Works job description and B) find that consistent with the Authorized Position Review Policy (a) funding for this position comes from General Fund and Certain Non-General Fund departments (depending on how personnel costs are apportioned) as certified by the Public Works Director and concurred with by the County Administrator and Auditor-Controller; (b) where internal candidates meet the qualifications for the positions, the vacancy could possibly be filled through an internal recruitment, but an open recruitment would be more appropriate to ensure qualified applicants apply; and (c) authorize the recruitment and hiring of a Deputy Director Public Works at Range 83 (\$5,638 – \$6,850) and direct Personnel to counsel County employees who may be candidates for the position of the effect of the County's lay off procedures on changes in position. Motion carried unanimously, with Supervisors Arcularius, Brown, Fortney and Cervantes voting yes and with Supervisor Cash abstaining.
Sheriff/Willdan Contract	Moved by Supervisor Fortney and seconded by Supervisor Brown to approve the Contract between the County of Inyo and Willdan Homeland Solutions, to provide introductory NIMS, ICS 100/200 and IS700 training to Inyo County employees in the amount of \$11,000, to be completed by February 28, 2010; and authorize the Chairperson to sign. Motion carried unanimously.

Recess/ Reconvene	The Chairperson recessed the regular meeting at 9:50 a.m., to reconvene in open session at 9:55 a.m., with all Board Members present.
County Counsel/ Liebert Cassidy Whitmore Contract	County Counsel provided the Board with a revised scope of work. Mr. Keller provided additional information and further justification for contracting for legal services for personnel matters. Moved by Supervisor Cash and seconded by Supervisor Arcularius to approve the Contract between the County of Inyo and Liebert Cassidy Whitmore for the provision of legal services in the area of general labor and employment advice and representation for the period of February 9, 2010 to June 30, 2010, with a contract limit of \$35,000, at hourly rates varying from \$100 to \$270 an hour, with travel time billed at \$125 an hour; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
CAO-Personnel/ DSA MOU	The County Administrator and the Board acknowledged and thanked the DSA for its a work in moving this status quo MOU forward. Moved by Supervisor Cash and seconded by Supervisor Fortney to approve the February 9, 2010 through December 31, 2010, Comprehensive Memorandum of Understanding between the County of Inyo and the Deputy Sheriff's Association (DSA); and authorize the Chairperson to sign. Motion carried unanimously.
CAO-FY 2011 Project Requests	The County Administrator corrected the Federal Fiscal Year from 2010 to 2011 and went on to explain that these were the projects that he had spoken with the Congressman's representative, Mr. Bob Haueter, about. He explained that after the agenda was published he was notified that the Agriculture Advisory Committee was not in agreement with submitting the Mobile Livestock Processing Facility at this time and was making an alternative recommendation. Mr. Carunchio explained that if the other two projects were approved for submittal they would be sent under the Board approval and the alternate recommendation, requesting funding for the Ag Facilities Project would be sent under his signature. The Ag Commissioner, Mr. George Milovich, explained the concerns the Committee had with the project in that the continued operation and maintenance of a mobile slaughter unit could make the project infeasible, even if the money to purchase the unit was available. Moved by Supervisor Cash and seconded by Supervisor Arcularius to authorize the submittal of Federal Fiscal Year 2011 (FFY 2011) Project Request Forms to Congressman McKeon for (a) County Animal Shelter improvements; and (c) Millpond County Park amphitheater development, and not authorize the submittal of the (b) Mobile Livestock Processing Facility. Motion carried unanimously.
BofS/Minute Approval	The Clerk noted the addition of the report out of closed session on the January 26 regular meeting. Moved by Supervisor Brown and seconded by Supervisor Cash to approve the minutes of the Board of Supervisors Meetings as follows: A) the Regular – continued Meeting of January 26, 2010, with the addition of the report out of closed session; and B) the Special Meeting of January 27, 2010. Motion carried unanimously.
BofS/SBC Update Eastern Sierra Land Tenure Project	Ms. Vickie Taton of the Sierra Business Council, addressed the Board. She provided the Board with a paper explaining the Project. Supervisor Arcularius took issue with several of the statements contained in the paper, expressing her concern that it was not accurately portraying Inyo County's involvement in the Project. The Board concurred with Supervisor Arcularius' observations, noting that the Inyo County Board has always been in support of the protection of private property no matter where it is located and were looking at the project as a way for the local agencies to identify properties they were willing to release. The Board and Ms. Taton discussed the inaccuracies, with the Board providing suggestions for changes in the information to correctly reflect Inyo County's participation. Supervisor Arcularius requested a copy of the questions, which were being asked of the stakeholders in the phone survey currently being conducted. The County Administrator, Mr. Kevin Carunchio, reviewed the scope of work of the SNC Grant approved by the Board where in there were two goals, which did not appear to be reflected accurately in the current project description. The Board requested that Ms. Taton work with the Inyo County Planning Department to revise the project information to correctly reflect the County of Inyo's position with regard to the Eastern Sierra Land Tenure Project.

- CAO-Personnel/
Ordinance
Amending Elected
Officials Salary The County Administrator provided additional information and further explanation on the request to change the ordinance reflecting the elected officials salaries. Moved by Supervisor Cash and seconded by Supervisor Fortney to A) waive the first reading of an Ordinance titled "An Ordinance of the Board of Supervisors, County of Inyo, State of California, Amending Section 2.88.040 of the Inyo County Code to Provide Salaries for Certain Elected County Officials, Excluding Members of the Board of Supervisors;" and B) schedule 11:00 a.m., February 16, 2010, in the Board of Supervisors Room, at the County Administrative Center, in Independence, as the time and place for the enactment. Motion carried unanimously.
- Public Comment The Chairperson announced the public comment period. Supervisor Cash requested that today's meeting be adjourned in memory of Madeline Clark, lifetime resident of Inyo County.
- Closed Session. The Chairperson recessed open session at 11:40 a.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 LEGAL COUNSEL – EXISTING LITIGATION (Pursuant to Government Code §54956.9(a)) – In the Matter of Authorization to Construct a Geologic Repository at Yucca Mt., NRC Docket No. 63-001; CLI-08-25.**
- Report on Closed
Session The Chairperson recessed closed session at 12:30 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 meeting in memory of Madeline Clark of Big Pine, who was a lifetime resident of Inyo County. The Chairperson adjourned the meeting at 12:30 p.m. to 9:00 a.m., Tuesday, February 16, 2010, in the Board of Supervisors Room, at the County Administrative Center, in Independence.

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

by: _____
Patricia Gunsolley, Assistant

Chairperson, Inyo County Board of Supervisors