

MINUTES

County of Inyo Board of Supervisors

April 13, 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, April 13, 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, 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 that Mono County has decided to separate from the Inyo Mono WIC Program. She told the Board that the process of splitting the program has begun and that the State has advised Inyo County that there should be no fiscal impact to Inyo County as a result of not having Mono County included in our program. Dr. Bob Harrington, Inyo County Water Director, said that unofficially LADWP has said that they are predicting 95% (he later in the meeting notified that it was actually 94%) of normal for this year's runoff which is the number they will use in the Annual Pumping Plan. He went through the process whereby the Pumping Plan is reviewed and commented on by the County. Dr. Harrington said that he will be putting items on the agendas for the April 20 and 25 Board of Supervisors Meetings for the Board to talk about the Annual Pumping Plan and provide direction to staff on how to proceed. Ms. Leslie Chapman, Auditor-Controller, updated the Board on the State Auditor's Conference that she is hosting in Death Valley next week, extending an invitation to the Board to attend the BBQ to be held on Wednesday evening.
- Emerg. Serv./Oak Creek Mud Flows Moved by Supervisor Cash and seconded by Supervisor Brown to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.
- CAO-Personnel/Leave of Absence Moved by Supervisor Cash and seconded by Supervisor Brown to ratify and approve a request for an employee leave of absence without pay for a period up to 90 days beginning April 6, 2010 through June 5, 2010 in accordance with Article X, Leaves, 10.4(a) of the Inyo County Personnel Rules and Regulations. Motion carried unanimously.
- CAO-Personnel/Hart Planning Director Contract Moved by Supervisor Cash and seconded by Supervisor Brown to approve a Contract between the County of Inyo and Joshua J. Hart for the provision of personal services as the Planning Director at a monthly salary of \$8,200 effective May 1, 2010; and authorize the Chairperson to sign. Motion carried unanimously.
- Resol. #2010-14/Appointed Officials Terms of Employment On a motion by Supervisor Cash and a second by Supervisor Brown, Resolution No. 2010-14 titled "A Resolution of the Board of Supervisors, County of Inyo, State of California, Amending Resolution 2006-09, Changing Salary and/or Terms and Conditions of Employment for Appointed Officials Employed in the Several Offices or Institutions of the County of Inyo" was approved: motion unanimously passed and adopted
- Road Dept./Asphalt Products Purchase Moved by Supervisor Cash and seconded by Supervisor Brown to award the bid and approve the Contract for Plant Mixed, Asphalt Products from Granite Construction in an amount not to exceed \$380,000 (sales tax included) for the period of April 1, 2010 through June 30, 2010; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.

Resol. 2010-15/
Public Agencies
Post Retirement
Health Care Plan
PARS

The Treasurer-Tax Collector, Ms. Alisha McMurtrie, provided additional information and further explanation on the recommendation for the County to contract with PARS as the trust administrator for its Public Agencies Post Retirement Health Care Plan. She said that PARS provides more flexibility on investments and access than PERS. She also explained that because of the County's history with Union Bank she also has a great deal of confidence in their participation. Ms. McMurtrie noted that representatives of both PARS and Union Bank were in the audience and the Board thanked the individuals for coming to today's meeting. The Board talked about using the FAC as a means to monitor this Plan and asked that they be given quarterly status reports. On a motion by Supervisor Cash and a second by Supervisor Arcularius, Resolution No. 2010-15 taking the following actions: A) authorize the Board Chairperson to approve and sign the Agreement for Administrative Services with PARS and Adoption Agreement to the Public Agencies Post Retirement Health Care Plan; B) designate the County Administrator, his designee and/or successor, as the County Plan Administrator and to take actions necessary in that role to administer the PARS agreement; and C) authorize the County Administrator and Auditor-controller to initiate those financial transactions necessary to make deposits with PARS (trust administrator), was approved and the Board designates the Financial Advisory Committee (FAC) as the oversight committee for this Plan and directed that quarterly reports on the investments be provided to the Board: motion unanimously passed and adopted.

Resol. #2010-16/
LEA Grant
Application

On a motion by Supervisor Fortney and a second by Supervisor Arcularius, Resolution 2010-16 titled "A Resolution of the Board of Supervisors, County of Inyo, State of California Authorizing the Submittal of the Local Enforcement Agency Grant Application" was approved and the Board authorizes the Director of Environmental Health Services to sign all necessary application, agreements, and amendments for the purposes of securing LEA grant funds for use in implementing the grant project: motion unanimously passed and adopted.

County Counsel/
Walters Contract

County Counsel explained that the Amendments to the Contracts and the budget adjustments were to cover costs in the Walters matter, which is in the appeal process. He noted that Mr. Walters is aware that this amount is not sufficient to cover all of the expected costs. Moved by Supervisor Arcularius and seconded by Supervisor Cash to A) approve Amendment No. 5 to the Agreement between the County of Inyo and Jim Walters, for the reimbursement of Inyo County for defense litigation costs for *Save Round Valley Alliance v. County of Inyo et al.*, for the term from September 2, 2005 to completion of the lawsuit, in an amount not to exceed \$98,000; and authorize the Chairperson to sign; B) amend the FY 2009-10 County Counsel Budget Unit 010700 by increasing unanticipated revenue in Services and Fees (*Revenue Code #4819*) by \$2,500 from the Walters Agreement and authorize the expenditure of the revenue by increasing appropriations in Services and Supplies – Professional and Other Legal Services (*Object Code #5267*) by \$2,500, (*4/5's vote required*); and C) approve and ratify Amendment No. 4 to the agreement between the County of Inyo and Liebersbach, Mohun, Carney & Reed for the Provision of Legal Services in advising and representing the County of Inyo, and its Board, as Respondents to *Save Round Valley Alliance v. County of Inyo et al.*, for the term from September 2, 2005 to completion of the lawsuit, in an amount not to exceed \$78,520; and authorize the Chairperson to sign. Motion carried unanimously.

Planning/Land
Tenure Project
Update

The Board received an update from Mr. Josh Hart, Senior Planner, and Ms. Vickie Taton of the Sierra Business Council regarding the Eastern Sierra Land Tenure Project. The Board thanked Ms. Taton for the changes that had been made on the web site, which differentiated the County of Inyo's position from other participants and acknowledged the County's continued participation in the project.

Integ. Waste/Waive
Fees for Fire Debris
Disposal

The Deputy County Administrator, Mr. Chuck Hamilton, explained that the original amount of \$4,068 for the disposal of the debris from a burned home on the Big Pine Reservation was an estimate and that the actual amount being requested to be waived was \$2,431. The Board thanked the Tribe for their help to the homeowner in having this fire debris removed. Supervisor Arcularius asked if there had been a request to have the disposal fee waived for the removal of the two homes burned around the same time in her district and the Deputy CAO explained that no request had been made. Mr. Hamilton confirmed that all requests for waiver of fees are brought to the Board for approval. The Administrator of the Big Pine Tribe, Mr. Gary Bacock, thanked the Board for their consideration of this request. Moved by Supervisor Fortney and seconded by Supervisor Cash to approve the request by the Big Pine Paiute Tribe of the Owens Valley and waive the gate and disposal fees for the disposal of building demolition debris. Motion carried unanimously.

BofS/Debriefing
Forest Service Rule
Planning Meeting

The Board discussed their participation in the United States Forest Service's (USFS) Forest Planning Rule Roundtables held on April 6, 2010. Supervisor Fortney explained what had happened at the Sacramento meeting, with Supervisors Arcularius, Cash and Brown sharing their thoughts about the local meeting. Of note during the discussion was the Board's desire to replace the term "federally owned land" with "federally administered public lands." Supervisor Fortney said that he was cautiously optimistic about the outcome of the meetings because of conversations he had with a member of the Regional Forester's staff who had indicated that they understood what "coordination" meant and why it was so important to local jurisdictions and this staff member has the ear of Randy Moore, the Regional Forester. The Board went on to discuss the upcoming conference call between the USFS and California County Supervisors currently scheduled for April 19, 2010 on the Forest Planning Rule. The Board requested that Staff put together a list of talking points and correspondence reiterating those points that can be sent as a follow-up to the meeting. The Board directed staff to schedule the meeting on Monday to begin at 12:30 to give the Board the opportunity to strategize about their participation and to take public comment prior to the beginning of the meeting.

BofS/Bright
Proclamation

The Chairperson, Supervisor Cervantes, noted the recent passing of Keith Bright. He said that he would present the Proclamation posthumously to Mr. Bright's family at the Celebration of Life planned for this Saturday. Mr. Cervantes also noted that today's meeting would be adjourned in Keith Bright's memory. The Board thanked Supervisor Cervantes for bringing this item forward and shared a few of their personal memories of Keith, noting that he was a great man who will be greatly missed. Moved by Supervisor Fortney and seconded by Supervisor Cash to approve a proclamation honoring former Fourth District Supervisor Keith Bright who celebrated his 95th Birthday on March 31, 2010. Motion carried unanimously.

BofS/Minute
Approval

Moved by Supervisor Brown and seconded by Supervisor Cash to approve the minutes of the April 6, 2010, Board of Supervisors Meeting. Motion carried unanimously, with Supervisors Arcularius, Cash and Brown voting yes, and with Supervisors Fortney and Cervantes abstaining.

Recess/
Reconvene

The Chairperson recessed the regular meeting at 10:55 a.m., to reconvene in open session at 11:10 a.m., with all Board Members present.

Assessor/Public
Hearing on an
Ordinance for a Fee
for Late Filing
Parent-Child
Exclusion

The Chairperson opened the public hearing at 11:10 a.m., on a proposed ordinance titled "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Authorizing a Processing Fee for Late Filed Parent-child and Grandparent-grandchild Exclusion." The Assessor, Mr. Tom Lanshaw reviewed the reasons why this fee should be put in place. He explained that the law was recently changed to allow for the fee and explained the amount of work involved by several departments when the "exclusion" is not filed timely. The Board noted that the fee is not imposed until two notices have been ignored and that the exclusion is actually saving the child or grandchild money. There was no one wishing to address this issue. The Chairperson closed the public hearing at 11:20 a.m. Moved by Supervisor Brown and seconded by Supervisor Cash to waive the first reading of the ordinance and schedule the enactment for 11:00 a.m., April 27, 2010, in the Board of Supervisors Room, at the County administrative Center, in Independence. Motion carried unanimously.

Planning/Public
Hearing Zone
Reclass 2010-01
Calvary Baptist
Church

The Chairperson opened the public hearing at 11:22 a.m., on the following actions for a 2.79-acre site located at 1100 W. Line Street in the community of Bishop (APN 011-280-18), a proposed ordinance titled "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Approving Zone Reclassification No. 2010-01/Calvary Baptist Church and Amending the Zoning Map of the County of Inyo by Reclassifying the Southern Portion of a 2.79-Acre Site Located at 1100 W. Line Street (APN 011-280-18) from Open Space, 40-Acre Minimum (OS-40) to Highway Services & Tourist Commercial (C-2) Thereby Making C-2 Zoning Uniform Over the Entirety of the Parcel. Ms. Tanda Gretz, Senior Planner, reviewed the Staff Report and recommendations. There was no one from the public wishing to address this item and the Chairperson closed the public hearing at 11:25 a.m.

Resol. #2010-17/ZR
2010-01/Calvary
Baptist CEQA

On a motion by Supervisor Brown and a second by Supervisor Arcularius, Resolution No. 2010-17 was approved certifying that the requirements of the California Environmental Quality Act (CEQA) have been met: motion unanimously passed and adopted.

First Reading	Supervisors Room, at the County Administrative Center, in Independence. Motion carried unanimously.
HHS/Fiscal Trends Workshop	The Chairperson recessed open session at 11:30 a.m., to convene in a workshop with all Board Members present. The Board met with representatives of the Inyo County Health and Human Services Department on the "Annual Update: HHS Fiscal Trends and Forecasting." The Chairperson recessed the workshop at 12:02 p.m. to reconvene in open session with all Board Members present.
Inyo Council for the Arts/Millpond Closure	Supervisor Brown noted that while she does not have a conflict, because of her husband's family's operations at Millpond she was recusing herself and left the meeting. Moved by Supervisor Arcularius and seconded by Supervisor Cash to close the Millpond Recreation Area to the public from Friday, September 17, 2010, at 6:00 a.m., through Sunday, September 19, 2010, at midnight, for the 19 th Annual Millpond Music Festival. Motion carried unanimously, with Supervisor Brown absent.
Recess/Reconvene	The Chairperson recessed the regular meeting at 12:03 p.m., to reconvene in open session at 1:00 p.m., with all Board Members present.
Post Agenda Support Letter for AB 2338	Supervisor Cash reviewed the reasons why the request to support AB 2338 should be considered as a post agenda item. Moved by Supervisor Cash and seconded by Supervisor Arcularius to find that the need for the County to take a position on AB 2338 arose after the Agenda for the April 13, 2010 Board of Supervisors Meeting was posted and there is a need for the Board to take action on this item prior to the next regularly scheduled meeting; therefore, this item is added as Agenda Item No. 14A. Motion carried unanimously.
BofS/Support for AB 2338	Supervisor Cash provided further information and clarification on AB 2338. She said that this will give Inyo County an opportunity to expand off-road trails to connect campgrounds and communities throughout the Valley. She said that she is scheduled to meet with Assembly Member Conway and other interested parties on this legislation tomorrow in Sacramento and asked the Board to authorize the Chairperson to sign a letter of support that she and staff would draft prior to her leaving today. She explained that this legislation will now allow the off-road route system to not utilize DWP property in the Valley, noting that DWP was hesitant to map the roads on their property and because of their concerns with the Plan they had indicated they might have to close their property to public use. She said in an effort to alleviate this possibility the proponents of the Plan had approached Assembly Member Conway for this legislation. Supervisor Arcularius noted that the amended language Section 1 (d) says that ninety-two percent of land in Inyo County is federally owned and asked if the County should ask that that the wording be changed to "federally administered public lands." Moved by Supervisor Cash and seconded by Supervisor Arcularius to approve a letter of support for AB 2338, and authorize the Chairperson to sign. Motion carried unanimously.
Board Members and Staff Reports	The Board Members reported on their activities during the preceding week, including Bishop City Counsel Meeting, various constituent meetings, and EMCC Meeting, an RCRC Meeting, the Forest Service Rule Planning Meetings, a Fish and Wildlife Meeting, a Friends of the Mt. Whitney Fish Hatchery Board Meeting, and a legislative update.
BofS/CSAC Prgms. & Serv. Update	Mr. Geoffrey Neill of CSAC updated the Board on the State budget and on CSAC Program and Services. The Board thanked Mr. Neill for the presentation.
Public Comment	The Chairperson announced the second public comment period and there was no one wishing to address the Board.
Closed Session	The Chairperson recessed open session at 2:15 p.m., to convene in closed session, with all Board Members present, to discuss and take action as appropriate on Agenda Items 21. 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. 22. **PERSONNEL [Pursuant**

to Government Code §54957] – Public Employee Performance Evaluation – Title – Child Support Services Director; and No. 22A. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(a)]** – Pratt, et al. v. City of Los Angeles, et al. Inyo County Superior Court Case No. CVCV 09-0048094.

Report on Closed Session The Chairperson recessed closed session at 3:45 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 today's meeting in memory of past Fourth District Supervisor Keith Bright who passed away this week at the age of 95. The Chairperson adjourned the meeting at 3:45 p.m., to 9:00 a.m., Tuesday, April 20, 2010, in the Board of Supervisors Room, at the County Administrative Center, in Independence.

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

Chairperson, Inyo County Board of Supervisors

by: _____
Patricia Gunsolley, Assistant