

# MINUTES

# County of Inyo Board of Supervisors

**June 21, 2011**

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, June 21, 2011, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Susan Cash presiding, Linda Arcularius, Rick Pucci, Marty Fortney and Richard Cervantes. Supervisor Cervantes provided the Invocation, and Supervisor Arcularius led the Pledge of Allegiance.

- Public Comment** The Chairperson announced the public comment period. Mr. Vernon Lawson of Cartago addressed the Board. Mr. Lawson presented the Board with chunks of pavement that he called a "Cartago Doorstop." Mr. Lawson went on to complain about the condition of the roads in the Cartago area and gave the Board pictures of several of the streets showing large potholes. The Board suggested that Mr. Lawson talk with the Interim Public Works Director, Mr. Doug Wilson, to find out about the various road projects.
- County Department Report Periods** The Chairperson announced the County Department report period. Mr. Jon Klusmire, Museum Services Manager, reported on a possible opportunity for the Eastern California Museum to archive U.S. Forest Services records through a grant, to make them available to the public through the Eastern California Museum. Mr. Chuck Hamilton, Deputy County Administrator, presented the Annual Report on the Carson and Colorado's project to restore the Slim Princess at Dehy Park. He explained that representatives of the organization were unavailable to attend today's meeting, but are happy to report that the project is on schedule and budget. Dr. Bob Harrington, Water Director, announced that the LORP seasonal habitat flows have begun and should be concluded in 7 to 10 days. Dr. Harrington also reported that only the sole source wells are pumping in the Valley, all other wells are in off status. Sheriff Lutze reported on a fire at Fort Independence last night that had resulted in some evacuations and the destruction of one structure. Sheriff Lutze told the Board that an investigation into the origin of the fire has begun. Sheriff Lutze went on to report on preparations for flooding as a result of the recent warm weather and on last week's "Inspection, Swearing In Ceremony and Awards Presentation" with the Sheriff expressing how proud he is of the men and women in his Department.
- BofS/Friends of the Inyo Presentation** The Board accepted a presentation by Stacy Corless, Executive Director of the Friends of the Inyo on the Organization's previous projects since the last presentation and initiatives for 2011. At the conclusion of Ms. Corless' presentation she responded to questions from the Board.
- CAO-Budget Update** The County Administrator reported that the State budget had been adopted and vetoed in the past week. He talked about how the State not having a budget could be the worse case scenario for the County because we are expected to move forward in adopting a balanced budget without knowing what types of impact the State budget actions could have on our funding and program requirements. He said the Board would now have to make a policy decision on how much General Fund they want to expend on programs like public safety that may not be reimbursed by the State. Mr. Carunchio presented the Board with information from RCRC on AB 29X and the continuation of VLF funding for public safety programs. He talked about AB 29X which will more than likely impact everyone in Inyo County by imposing a fee for State fire protection on all habitable structures. The Board requested that the Chairperson sign a letter to the Governor requesting that he veto AB 29X. The Board also requested that the Chairperson sign a letter to our State Legislators supporting the continuation of VLF fees to fund public safety programs.
- Emerg. Serv./Oak Creek Mud Flows** Moved by Supervisor Arcularius and seconded by Supervisor Fortney to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.
- Parks/Tecopa Campground Lease** Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve the submittal of a lease application, along with the \$100 filing fee, to the Department of the Interior, Bureau of Land Management for the lease of the 40-acre Tecopa Hot Springs Parks & Campground; and authorize the Deputy County Administrator to sign. Motion carried unanimously.

HHS-Inyo First 5/Co. Schools-School Readiness Program Moved by Supervisor Arcularius and seconded by Supervisor Fortney to ratify and approve the Contract between the County of Inyo and the Inyo County Superintendent of Schools for the provision of school readiness services for the period of March 1, 2011 through June 30, 2011, in an amount not to exceed \$18,400; 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-Budget/FY 2011-12 Preliminary Budget Move by Supervisor Pucci and seconded by Supervisor Arcularius to take the following actions: (A) adopt the Fiscal Year 2010-2011 Board Approved budget as the Preliminary Budget for Fiscal Year 2011-2012 and approve the fixed assets as recommended by staff; B) approve Operating Transfer from General Fund 011900 into Solid Waste 045700 for \$89,397 to purchase/install Sunland Gatehouse; and C) approve Operating Transfer from General Fund 011900 into Public Works – Deferred Maintenance for \$28,522 for Annex/Admin re-roof and roof coating. Motion carried unanimously.

Assessor/Position Request The Board and the Assessor discussed the position being requested, with Supervisor Cash expressing concern with authorizing a closed promotion for an entry level position or the first step in a career series. The Assessor said that it was acceptable to him if the Board wanted this to be an open recruitment. Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to A) change the authorized strength by deleting a Supervisor Fiscal Services position at Range 67 (\$3,740 – \$4,540) and adding one Administrative Analyst I position at Range 66 (\$3,648 - \$4,441); and B) find that consistent with the adopted Authorized Position Review Policy: (a) the availability of funding for the requested position comes from the General Fund, as certified by the Assessor and concurred with by the County Administrator and the Auditor-Controller; (b) where internal candidates meet the qualifications for the position of Administrative Analyst I, a closed County recruitment is appropriate; and (c) approve the hiring of one Administrative Analyst I, at Range 66 (\$3,648 - \$4,441). Motion carried on a four-to-one vote with Supervisors Arcularius, Pucci, Fortney and Cervantes voting yes, and with Supervisor Cash voting no.

DA/Position Request The Board and the District Attorney discussed the position being requested. Supervisor Cash explained that since the DA had requested filling the position at the higher level she was OK with the closed promotion. The County Administrator clarified that while the two Department Heads, the District Attorney and the Assessor in the previous item, had indicated they were requesting a closed departmental recruitment; the Board was authorizing a closed county-wide recruitment. The County Administrator explained that the Authorized Position Review Policy had addressed the issue of closed recruitment in an effort to provide the broadest opportunities for current employees to be protected from layoffs, should that become necessary. Moved by Supervisor Fortney and seconded by Supervisor Arcularius to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the requested position comes from the General Fund, as certified by the District Attorney, and concurred with by the County Administrator and the Auditor-Controller; B) where internal candidates meet the qualifications for the position of Legal Secretary III, a closed County recruitment is appropriate; and C) approve the hiring of one Legal Secretary III, at Range 60 (\$3,271 - \$3,973), and if a position becomes vacant due to the filling of the Legal Secretary III position, authorize the filling of the vacant position, contingent upon the Board's adoption of a FY 2011-12 Budget. Motion carried unanimously.

P.W./MOA with FAA Moved by Supervisor Arcularius and seconded by Supervisor Pucci to ratify and approve the Memorandum of Agreement with the Federal Aviation Administration for the installation, operation, and maintenance of Federal Aviation Administration owned navigation communications and weather aids and authorize the Chairperson to sign. Motion carried unanimously.

Water/Position Request Moved by Supervisor Fortney 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 exists in the Salt Cedar Budget, as certified by the Water Director, and concurred with by the County Administrator and the Auditor-Controller; B) where internal candidates meet the qualifications for the position of Seasonal Field Assistant, the vacancies could possibly be filled through internal recruitment, but an open recruitment would be more appropriate in order to ensure a sufficient number of applicants; and C) approve the hiring of seven Seasonal Field Assistants for the period of October 1, 2011 through April 15, 2012, at Range 050PT (\$13.90 - \$16.87 per hour), contingent upon the Board's adoption of a FY 2011-12 Budget. Motion carried unanimously.

Museum/Comm. Sponsorship Grant Programs	Moved by Supervisor Cervantes and seconded by Supervisor Fortney to approve making the final payment to the following for two Community Project Sponsorship Grant Projects; \$4,700 to Lone Pine Chamber of Commerce for the successful completion of the Fourth Edition of the Inyo County Visitors Guide; and \$4,800 to the Bishop Area Chamber of Commerce for successful completion of the 2011 Blake Jones Trout Derby. Motion carried unanimously.
CAO-Personnel/Rudd Contract	Moved by Supervisor Pucci and seconded by Supervisor Arcularius to approve the Contract between the County of Inyo and Atkinson, Andelson, Loya, Ruud & Romo for the provision of legal services – general labor and employment advice, and representation for the period of July 1, 2011 through June 30, 2012, in an amount not to exceed \$75,000, contingent upon the Board’s adoption of a FY 2011-12 Budget; and authorize the Chairperson to sign. Motion carried unanimously.
Recess/Reconvene	The Chairperson recessed the regular meeting at 10:50 a.m., to reconvene in open session at 11:00 a.m., with all Board Members present.
Fish and Game/Bear Education Partnership Funding	Moved by Supervisor Fortney and seconded by Supervisor Pucci to approve a \$500 expenditure from the Fine Fund to the Eastern Sierra Bear Education Partnership for the development and distribution of a consistent suite of messaging and public education materials for the protection of wildlife. Motion carried unanimously.
Fish and Game/Trout in the Classroom Funding	Moved by Supervisor Fortney and seconded by Supervisor Cervantes to approve a \$500 expenditure from the Fine Fund to the Round Valley School for the “Trout in the Classroom Project.” Motion carried unanimously.
Planning/Zoning Code Workshop	The Chairperson recessed open session at 11:03 a.m., to convene in a workshop with all Board Members present. The Board conducted a workshop with Planning Staff on the draft sections of the updated Zoning Code. The Chairperson recessed the workshop at 12:25 p.m., to reconvene in the workshop at 1:30 p.m., with all Board Members present. The Chairperson recessed the workshop at 2:10 p.m., to reconvene in open session, with all Board Members present.
Board Members and Staff Reports	The Board Members reported on their activities during the preceding week, including the RCRC Board of Directors Meeting in Napa, an ESTA Meeting, a conference call with the Regional Forester, and a legislative update.
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 2:35 p.m., to convene in closed session, with all Board Members present to discuss and take action as appropriate on Agenda Items No. 20. <b>CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION [Pursuant to Government Code §54956.9(c)]</b> – Decision whether to initiate litigation (two cases); No. 21. <b>CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(a)]</b> – <i>Center for Biological Diversity, Sierra Club v Inyo County and Inyo County Board of Supervisors</i> , Inyo County Superior Court Case No. SICVPT 11-52154; No. 22. <b>CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]</b> . - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: ICEA - Negotiators: Labor Relations Administrator Sue Dishion, Director Child Support Services Susanne Rizo, and Chief Probation Officer Jeff Thomson; No. 23. <b>CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code § 54957.6]</b> . - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Inyo County Correctional Officers Association (ICCOA) - Negotiators: Labor Relations Administrator Sue Dishion; No. 24. <b>CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code § 54957.6]</b> . – Instructions to Negotiators re: wages, salaries and benefits – Employee Organization: Inyo County Probation Peace Officers Association (ICPPOA) – Negotiators: Director Child Support Services Susanne Rizo and Labor Relations Administrator Sue Dishion; No. 25. <b>PERSONNEL [PURSUANT TO GOVERNMENT CODE §54957]</b> - Public Employee Performance Evaluation - Title: Director Public Works; No. 26. <b>PERSONNEL [PURSUANT TO GOVERNMENT CODE §54957]</b> - Public Employee Appointment - Title: Director Public Works; No. 27. <b>REAL PROPERTY NEGOTIATIONS - CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Pursuant to Government Code §54956.8)</b> – Property – APN022-070-06, Independence, California – Negotiating Parties – County Administrator and State of California – Negotiations – Terms and Conditions; No. 28. <b>REAL PROPERTY NEGOTIATIONS - CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Pursuant to Government Code §54956.8)</b> – Property – APN010-490-08, Bishop, California –

Negotiating Parties – County Administrator and Joseph Enterprises – Negotiations – Terms and Conditions; No. 29. **REAL PROPERTY NEGOTIATIONS - CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Pursuant to Government Code §54956.8)** – Property – APN008-240-01, Bishop, California – Negotiating Parties – County Administrator and Mitchell Asset Group – Negotiations – Terms and Conditions; and No. 30. **REAL PROPERTY NEGOTIATIONS - CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Pursuant to Government Code §54956.8)** – Property – S.E. 1.07 acres of APN002-133-02, Independence, California (Jail and Road Yard) – Negotiating Parties – County Administrator and Director of Public Works and Administrative Offices of the Courts (AOC) – Negotiations – Terms and Conditions of Potential Lease.

- Report on Closed Session      The Chairperson recessed closed session at 4:25 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.
- Recess/Reconvene      The Chairperson recessed the regular meeting 4:25 p.m., to reconvene in open session at 6:30 p.m., in the Northern Inyo Hospital Board Room, at 150 Pioneer Lane, in Bishop, with all Board Members present except Supervisor Cervantes.
- Planning/Public Hearing Redistricting Proposal      The Chairperson opened the Public Hearing at 6:30 p.m., to review proposals for the Supervisorial District boundaries. Mr. Josh Hart, Planning Director, presented the Staff report and recommendations concerning redistricting, explaining that the County of Inyo's percentages for each district are within the legal limits and as such Staff is recommending that no changes be made. He went on to explain that once the final action by the Board is taken concerning redistricting, the ordinance would be amended to reflect the correct percentages of population for each district. Mr. James Wiley asked for the definition of cohesive. Mr. Hart explained that there is no definition in the code and referred to the standard definition as denoting geographical and community characteristics. The Chairperson, Supervisor Cash, noted that there is a cost to redistrict, as well as the possibility of creating confusion in the public when a jurisdiction redistricts. Supervisor Arcularius indicated that she was fine with no changes, and Supervisor Fortney concurred. There was no one from the public wishing to speak to this issue. The Chairperson closed the public hearing at 6:35 p.m.
- Adjournment      The Chairperson adjourned the meeting at 6:35 p.m., to 9:00 a.m., Tuesday, June 28, 2011, in the Board of Supervisors Room, at the County Administrative Center, in Independence.

---

Chairperson, Inyo County Board of Supervisor

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

by: \_\_\_\_\_  
*Patricia Gunsolley, Assistant*