



County of Inyo Board of Supervisors

January 13, 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, January 13, 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 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. The Deputy County Administrator, Mr. Chuck Hamilton, reviewed the schedule for the County Wildfire Plan meetings. Ms. Jean Turner, Director of Health and Human Services, updated the Board on the State Budget impacts to local programs. Dr. Bob Harrington, Water Director, reported on the Water Commission Meeting, explaining that the Commission had continued the meeting to January 21, 2009 in Independence to continue consideration of a recommendation on the Coso Water Extraction Project.

Resol. #2009-04/
Waste Tire
Amnesty Grant
Application On a motion by Supervisor Cervantes and a second by Supervisor Fortney, Resolution No. 2009-04, entitled "A Resolution of the Board of Supervisors, County of Inyo, State of California, authorizing the Submittal of a Grant Application to the California Integrated Waste Management Board for a 2008-2009 Waste Tire Amnesty Grant," was approved: motion unanimously passed and adopted.

Public Adm./ PA/
PG/Conservator
Combined
Checking Account Moved by Supervisor Cervantes and seconded by Supervisor Fortney to authorize closing the current Public Administrator and Public Guardian checking accounts held at Bank of America, which consist of Conservatee Funds, and authorize the opening of a combined Inyo County Public Administrator/Guardian/Conservator Business Advantage account. Motion carried unanimously.

Forest Serv./
Anchor Point
Group Wildfire
Plan Contract Supervisor Arcularius asked why this contract was being continued, when the Plan was supposed to be completed under the last Contract Amendment. Mr. Hamilton, Deputy County Administrator, reviewed the contract process and timeline and confirmed that the County would have a hard copy of the plan, as well as electronic versions at the end of this Contract or sooner. The Board and Mr. Hamilton reviewed the schedule for the proposed public and stakeholder meetings. Moved by Supervisor Arcularius and seconded by Supervisor Cash to ratify and approve the Contract between the County of Inyo and Anchor Point Group, LLC, for the preparation of the Inyo County Community Wildfire Protection Plan (CWPP) for the term of January 1, 2009 through June 30, 2009, in an amount not to exceed \$4,875; and authorize the County Administrator to sign, contingent upon the appropriate signatures being obtained, with the understanding that the final CWPP will be completed by June 30, 2009 or earlier. Motion carried unanimously.

P.W./Planning
Update Acting Public Works Director, Mr. Doug Wilson, updated the Board on the Public Works and Planning Department's activities during the preceding week including a report that the Independence Town Water Tank Project is on-line and operating at 1/2 capacity, and that the demolition of the Big Pine Care facility has begun and currently the asbestos is being abated.

Emergency Serv./
Oak Creek Mud
Flow Emergency The County Administrator explained that the recommendation is to continue the emergency for the reasons given during the preceding weeks. Moved by Supervisor Fortney and seconded by Supervisor Arcularius to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.

CAO-Budget
County Budget
Control Policies

The County Administrator, Mr. Kevin Carunchio, provided the Board with a copy of what he feels are the Preliminary Extraordinary Budget Control Policies, which he and the Auditor, Ms. Leslie Chapman, are recommending be implemented in Inyo County in order for the County to respond to the State's worsening budget crisis. Mr. Carunchio reported that the County's budget includes \$24-million in State revenues of which only \$9-million has been received to date. He said that the State's notification of the suspension of grant and bond funded programs along with the issuance of State "iou's" for money already spent requires drastic action by the County. Ms. Chapman reviewed the County's cash flow expectations should the State suspend program reimbursements. She explained that the County's largest expense is its payroll, which comprises about 60% of the budget, and that payroll and the County's debt service is the priority for the limited cash. She assured the Board that this is a cash flow issue. She said that with the recommended reductions and controls contained in the Policies, the County should have sufficient cash flow through the first part of April at which time the second installment of property tax should provide sufficient cash flow through the end of this fiscal year. The County Administrator reviewed the individual policies which include (a) the immediate reduction of department budgets upon being notified of a reduction in State funding; (b) the suspension of all fixed asset and non-essential purchases; (c) the elimination of all non-essential travel; (d) suspension of new Advertising County Resources contracts, including the award of Community Project Sponsorship grants; and (e) instituting a hard hiring freeze except for eight exempted positions. The County Administrator cautioned the Board that he believes this is just the beginning and expects there will be a need for the Board to amend the Preliminary Control Policies as needed in response to further deteriorating State Budget actions which will impact the County. He said he is in the process of talking with the bargaining units because the County may have to talk about more draconian measures that will require a collaborative solution with our workforce. The Board expressed their appreciation to Mr. Carunchio and Ms. Chapman for their proactive response to insulate the County's programs as much as possible from the State's Budget crisis. Moved by Supervisor Cash and seconded by Supervisor Cervantes to adopt the Preliminary Extraordinary Budget Control Policies, including a hiring freeze, as presented and recommended by the County Administrator and Auditor-Controller. Motion carried unanimously.

Recess/
Reconvene

The Chairperson recessed the regular meeting at 10:10 a.m., to reconvene in open session at 10:25 a.m., with all Board Members present.

BofS/L.P. Resident
Discussion on Sale
of Private Land

Mr. Scott Palamar, Lone Pine Resident, asked the Board for their opinion on what he said was DWP's intention to purchase residentially-zoned private property in Inyo County and how this conflicts with the County's goals to prevent reductions of privately owned lands within its boundaries. Mr. Palamar explained why he was opposed to DWP's purchasing of private lands and indicated he felt the Board should do something. Ms. Jennifer Castaneda of Blue Sky Real Estate in Lone Pine expressed her dissatisfaction with DWP's ownership of business properties in south County and how that impacts the economy of the County. The Board members both collectively and individually expressed their concerns with the recommendation that they become involved at any level with this transaction and told Mr. Palamar and Ms. Castaneda that it was not governments business to interfere in private property transactions like the one they were citing. The Board noted that DWP only has 4% land ownership in the County that over 92% is owned by State and Federal agencies. They explained that the County goals concerning private land ownership is to guide the County's involvement in land ownership with other agencies and projects like the "land tenure project," which is identifying the status of various agencies lands in the County.

Planning/Serv. Fee
and Cost Schedule

Mr. Scott Palamar, Lone Pine Resident, explained why he felt the Planning Department's application fee and cost schedule are wrong. He said that he believes Inyo County Code 3.60 allows the County to charge permit applicants unlimited sums for the processing of certain actions. He cited a previous situation where he was charged what he felt was too much for the services, which the County provided. He compared the County's fees with LA County's fees saying that he felt LA County's process was better. The Board explained that Inyo County has some of the lowest fees, across the board, in the State. They said that the process being utilized by the Planning Department requiring the processing fee agreement, affords the best protection for the applicant because they are only charged for the services, which are provided under the agreement. In response to Mr. Palamar's assertion that he his being charged for training as a result of Planning Staff turn-over and inexperience, the Board reviewed the appeal process which is available to the public when they disagree with the Department's decisions and/or actions. As Mr. Palamar became more specific in his example regarding his development, and Supervisor Arcularius reminded him that since the Board is the appeal authority for planning decisions, he might want to keep his remarks more general in order to protect his rights under the appeal process to an open and impartial appeal. Mr. Palamar, the Acting Public Works Director, and the Board continued to

discuss the Planning Department's fee and appeal processes. County Counsel provided examples of how previous actions to approve an application have resulted in litigation, which has been very lengthy and expensive. The Board explained that setting higher fees upfront would mean the applicant was paying for more than what was received and should legal action be pursued the taxpayers would then be responsible for paying to defend the applicant's action which was not reasonable. The Board supported the Planning Departments permit fee application process and the County's appeal process for Planning decisions and processes.

Recess/
Reconvene The Chairperson recessed the regular meeting at 12:20 p.m. to reconvene in open session at 1:23 p.m., with all Board Members present.

Board Members
and Staff Reports The Board Members reported on their activities during the preceding week including the Natural Beef Workshop, a Travel Management Plan meeting, an update on the Omnibus Public Land Management Act of 2008 which is currently being considered in the Senate and a request that staff solicit information from our Federal Legislators regarding additional funding in the bill as well as what committees the bill had gone through, a State Budget update, and a Bishop City Council meeting.

Recess/
Reconvene The Chairperson recessed the regular meeting at 1:55 p.m., to reconvene at 2:00 p.m., in a Coordination Meeting with the U.S. Forest Service, with all Board Members present.

Forest Serv./
Coordination
Meeting The Board convened in a separate Coordination Meeting with the U.S. Forest Service. The Chairperson of the Inyo County Board of Supervisors chaired this meeting. Public Comment was taken. The Forest Service provided an update on the Travel Management Plan. The group went on to discuss in detail several aspects of the Travel Management Plan. They also discussed the USFS's private property acquisitions, the Inyo Complex Fire Recovery and then scheduled the next coordination meeting, which is scheduled for February 3, 2009 at 2:00 p.m. in the Board of Supervisors Room, at the County Administrative Center in Independence and set the agenda items for that meeting. (See separate minutes of this meeting.) The Chairperson adjourned the coordination meeting at 4:00 p.m., to reconvene the regular meeting in open session, with all Board Members present.

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 4:05 p.m., to convene in closed session to consider and take action as appropriate on Agenda Items No. 13. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(a)] - Sierra Club v. City of Los Angeles, Los Angeles Department of Water and Power, Inyo County Superior Court Case No. CVPT-05-37969 ("LORP #3); No. 14. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(a)] - Sierra Club & Owens Valley Committee v. City of Los Angeles, Los Angeles Department of Water and Power, et al, Inyo County Superior Court Case No. SICVCV 08-46888 ("LORP #4); No. 15. 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; No. 16. 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 - CAO Kevin Carunchio, Sheriff Bill Lutze and Labor Relations Administrator Sue Dishion; No. 17. **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; and No. 18. **PERSONNEL [Pursuant to Government Code §54957]** - Public Employee Appointment - Title – Director of Public Works; No. 19. **CONFERENCE WITH LABOR NEGOTIATOR (Pursuant to Government Code §54957.6)** – Instructions to Negotiators re: wages, salaries and benefits – Title: Director of Public Works - Negotiator – as designated by the Board of Supervisors; and No. 20. **PERSONNEL [Pursuant to Government Code §54957]** - Public Employee Appointment - Title – Director of Planning.

Report on Closed
Session The Chairperson recessed closed session at 4:50 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 4:50 p.m., to 9:00 a.m., Tuesday, January 20, 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