

MINUTES

County of Inyo Board of Supervisors

January 27, 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 27, 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 noted that today's Board Meeting was being adjourned in the memory of Supervisor Cervantes' beloved father, Eugene Felix Cervantes, who passed away last week at the age of 101. The Chairperson went on to announce the public comment period. Mr. Jack Pound, Independence Resident, said that he had been informed by Caltrans that the County Board of Supervisors are the only ones that could stop the trees being removed as a result of the U.S. Highway 395 four-lane through Independence. He said that they had tried everything to stop this, and even the Courts wouldn't stop it. He asked the Board to stop the project. The Chairperson advised Mr. Pound that the Board could not enter into discussions during public comment because of Brown Act restrictions and suggested that should he want to pursue talking with the Board that he contact the Assistant Clerk of the Board, Ms. Gunsolley, to get an item agendized on a future Board Agenda.
- County Dept. Reports** The Chairperson announced the County Department Report period. Mr. Chuck Hamilton, Deputy County Administrator, informed the Board that he is pursuing a plan to put a "camp-ground" host in place at Pleasant Valley campground, noting that other agencies, i.e., Forest Service, BLM, Mono County, also use campground hosts. He explained the host would be given free space rent in exchange for services at the Campground. The Board asked that an item be agendized in the future for a full report and discussion on this proposal. The County Administrator noted that this is the type of "out-of-the-box" thinking that will help the County survive the budget crisis, in that it maintains a level of service at little or not cost to the County. Ms. Jean Turner Dickinson, Director of Health and Human Services, reported on the most current budget information coming out of Sacramento, which may affect her Department. Dr. Bob Harrington, Water Director, notified the Board that the Water Commission took action at their meeting last night to not recommend approval of the CUP for the Coso water extraction project. In response to a question on the vote, Dr. Harrington reported that the motion passed on a three-to-two vote and that the Planning Commission will be considering the Coso project at their February 7, 2009 Planning Commission Meeting.
- Museum/Brill Car Lease** Mr. Jon Klusmire, Museum Services Director, reviewed the Staff Report and recommendations regarding the lease agreement between the County of Inyo and the Bishop Museum and Historical Society for the Brill Car. Moved by Supervisor Cash and seconded by Supervisor Cervantes to direct County Counsel's office to draft an agreement that would allow the Bishop Museum and Historical Society to lease the Brill Car and related equipment from the County for the provision of rides to the public. Motion carried unanimously.
- P.W. – Planning Update** The Acting Public Works Director, Mr. Doug Wilson, offered condolences to Supervisor Cervantes and went on to report on the Public Works and Planning Departments activities during the preceding week, including the meeting with the Forest Service on the changes to the Draft EIS on the Travel Management Plan, the upcoming Planning Commission meeting noted in Dr. Harrington's Department Head report, the Housing Element contract, and a budget update.
- Planning-Yucca Mt./Geosciences Contract** The Acting Public Works Director, Mr. Doug Wilson, asked that the amount of the Geoscience Consultants contract referenced in the Agenda Request Item and on the Agenda be amended to \$48,467.50.

Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to A) declare Geoscience Consultants the sole-source provider of volcanic hazard studies; B) approve the Contract between the County of Inyo and Geoscience Consultants, for volcanic hazard studies in Death Valley National Park and for providing assistance to Inyo County's legal counsel in support of the County's petition to intervene in the Yucca Mountain licensing hearing, for the period of February 1, 2009 through January 31, 2010, in an amount not to exceed \$48,467.50, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.

Sheriff/Willdan
Contract OES &
NIMS/SEMS ICS
Executive Training

Sheriff Lutze explained that the executive training is required, in order for the County to be eligible for future federal grants and that this money is passed from the Federal government through the States to the local entities. Moved by Supervisor Cash and seconded by Supervisor Fortney to A) ratify and approve the Contract between the County of Inyo and Willdan Homeland Solutions, to provide OEC and NIMS/SEMS ICS Executive training to Inyo County First Responders for the period of October 1, 2008 through October 1, 2009, in an amount not to exceed \$79,752, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained; and B) amend the FY 2008-09 Emergency Management and Performance Grant Budget Unit (number to be determined by the Auditor) by increasing estimated revenue in State Grants (*Revenue Code #4498*) by \$82,177 and increasing appropriations in Professional Services (*Object Code #5265*) by \$79,752 and General Operating (*Object Code #5311*) by \$2,425. Motion carried unanimously.

Water Dept./
Budget Update

The Water Director, Dr. Bob Harrington, reviewed the latest information regarding WCB funding for the salt cedar program and explained the recommendations that no changes be made to the Wildlife Conservation and Saltcedar budgets based on new information received by the Wildlife Conservation Board. The Board directed Staff to monitor the grant funding closely and react immediately with a budget amendment if the funding situation changes.

Museum/SMG
Contract
Amendment

The Museum Services Director, Mr. Jon Klusmire, explained that the request to approve a change in the SMG marketing contract was a housekeeping item. He said he had authorized the changes before he became aware that Board approval of a contract amendment was required. The Board and Mr. Klusmire discussed the effects of the changes. The Board also asked Mr. Klusmire about the photos contained in the museum calendar and asked that in the future when photographs be used to promote the County that they be of Inyo County and not other jurisdictions. Mr. Klusmire noted that while the museum receives the monetary benefit from the calendars, no County funds were used in producing the calendar, which was funded by the friends of the museum and through the sale of sponsorship space. Moved by Supervisor Cash and seconded by Supervisor Cervantes to approve Amendment No. 1 to the Contract between the County of Inyo and Strategic Marketing Group, amending the Schedule of Fees by decreasing Promotions/Decals by \$3,000, and Web Enhancements by \$9,105 and increasing On Line and Print Ads by \$9,605 and On Line Marketing Newsletters and emails by \$1,500; and authorize the Chairperson to sign. Motion carried on a four-to-one vote with Supervisors Arcularius, Cash, Fortney and Cervantes voting yes, and with Supervisor Brown voting no.

Forest Serv./Fed.
Highway Grant for
Scenic Highway
Designations

Representatives of the Inyo National Forest Service, Mr. Jeff Marsolais and Mr. Matt Peterson, reviewed the proposal for the County to join with the Town of Mammoth Lakes and the County of Mono in seeking a Federal Highway administration Grant for designation of US Highway 395 in Inyo and Mono counties as a scenic Highway. They explained that in Mammoth Lakes and Mono County, forest service land is involved in the designation, which is not the case in Inyo County. The Board, Mr. Marsolais and Mr. Peterson and County Planning Staff, discussed various aspects of the proposal with the Board asking questions regarding the restrictions on development and view shed as a result of a designation, how a jurisdiction may become delisted if they choose, and the impact of participating in the planning process and not proceeding with the designation. Mr. Marsolais and Mr. Peterson, at the request of the Board, agreed to return next week to provide the answers to the Board's questions and for further discussion on this item. The Board directed that the request for a discussion and possible action regarding the County's participation in a Federal Highway Administration Grant for designation of US Highway 395 in Inyo and Mono counties as a scenic Highway, be continued to next week.

Recess/
Reconvene

The Chairperson recessed the regular meeting at 11:20 a.m., to reconvene at 11:30 a.m., with all Board Members present.

Ord. 1140 Adding Chapter 7.11 Re Monitoring Construction Debris	On a motion by Supervisor Cash and a second by Supervisor Arcularius, Ordinance 1140 entitled "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, amending Inyo County Code Adding Chapter 7.11 Relating to Monitoring and Diversion of Construction and Demolition Debris," was enacted: motion unanimously passed and adopted.
Integrated Waste/ Diesel Particulate Filter P.O.	The Deputy County Administrator provided additional information and further justification for the request to purchase a diesel particulate emission control filter for the County's wood grinder. He confirmed that the unit couldn't be operated without this filter, which is being required by the Great Basin Air Pollution Control District. Mr. Hamilton responded to questions from the Board regarding the penalty assessed by the District and what had transpired that caused the citation. Moved by Supervisor Cash and seconded by Supervisor Fortney to A) authorize the purchase of a diesel particulate emission control filter from Cummings West, Inc., in the amount of \$20,149.25 to be installed on the Waste Management horizontal wood grinder; and B) amend the FY 2008-09 Solid Waste Budget Unit 045700 by increasing appropriations in Equipment (<i>Object Code #5650</i>) by \$40,812 and decreasing appropriations in Non-Operating (<i>Object Code #5322</i>) by \$15,812 and Maintenance of Equipment (<i>Object Code #5171</i>) by \$25,000. Motion carried unanimously.
Resol. #2009-04/ G.P. Amend 2008-01/Hinds	On a motion by Supervisor Fortney and a second by Supervisor Arcularius, Resolution No. 2009-04 was approved implementing General Plan Amendment #2008-01/Hinds regarding a 70-acre site located immediately adjacent to Glacier Lodge Road, approximately seven miles west of Big Pine (APN 018-280-25); motion unanimously passed and adopted.
Ord. 1141/Zone Reclass 2008-2/ Hinds	On a motion by Supervisor Fortney and a second by Supervisor Arcularius, Ordinance 1141 approving Zone Reclassification #2008-2/Hinds, entitled "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Approving Zone Reclassification No. 2008-02/Hinds and Amending the Zoning Map of the County of Inyo by Changing Existing Zoning on a 70.71-Acre Site Adjacent to Glacier Lodge Road (APN 018-280-25) From Commercial Recreation (C-5) (Approximately 30 Acres on the Western Half of the Parcel), Rural Residential (RR) Five-Acre Minimum Lot Size (approximately 30 Acres in the middle of the Parcel) and Rural Residential (RR), 2.5-Acre Minimum Lot size (approximately 10 acres on the far Eastern end of the parcel) to Commercial Recreation (C-5) for Parcel 1 (20.60 acres) and Rural Residential (RR), Five-Acre minimum lot size for parcels 2-4 (50.28 acres) was enacted: motion unanimously passed and adopted.
Planning/Tentative Parcel Map #384/ Hinds	Moved by Supervisor Fortney and seconded by Supervisor Arcularius to approve Tentative Parcel Map #384/Hinds regarding a 70-acre site located immediately adjacent to Glacier Lodge Road, approximately seven miles west of Big Pine (APN 018-280-25). Motion carried unanimously.
Emergency Serv./ Emergency Cont'd.	The County Administrator recommended that the Mud Flows emergency be continued for the reasons noted in previous 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.
BofS/Minute Approval	Moved by Supervisor Cash and seconded by Supervisor Cervantes to approve the minutes of the January 13, 2009, Board of Supervisors Meeting. Motion carried unanimously.
Board Members and Staff Reports	The Board reported on their activities during the preceding week, including an ESTA Board Meeting, an RCRC Board of Directors Meeting, a Southern Inyo Airport Advisory Committee Meeting, an LTC Meeting, the meetings on the Wildfire Protection Plan, the Water Commission Meeting, Southern Inyo Hospital Board Meeting, Alabama Hills Stewardship Meeting, and an OHV Committee meeting. At the request of the County Administrator the Board confirmed the date of April 8, 2009 from 9:00 a.m., to 2:00 p.m., as a date they are available for OES Executive training. During Staff Reports a question arose regarding Agenda Item No. 24, which was the Treasury Status Report for the quarter ending December 31, 2008. Supervisor Cervantes questioned the status of the County's bond rating as a result of General Motors, one of the County's investments, losing 50% of their value in the last year. Assistant Treasurer-Tax Collector Diane Fortney explained about that portion of the investment portfolio.
Public Comment	The Chairperson announced the second public comment period and there was no one from the public wishing to address the Board.

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

Closed Session The Board met in closed session to discuss and take action as appropriate on Agenda Items 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 – Elected Officials Assistant Association (EOAA); Negotiators - CAO Kevin Carunchio and Labor Relations Administrator Sue Dishion; No. 18. **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. 19. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** Instructions to Negotiators re: wages, salaries and benefits - Employee Organization – Inyo County Probation Peace Officers Association (ICPPOA); Negotiators - CAO Kevin Carunchio and Labor Relations Administrator Sue Dishion; No. 20. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** Instructions to Negotiators re: wages, salaries and benefits - Title - IHSS; Negotiators – Bill May & Rochelle Parkinson; No. 21. **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. 22. **REAL PROPERTY NEGOTIATIONS (Conference with Real Property Negotiators Pursuant to Government Code §54956.8)** – Property: Independence Airport and Eastern Sierra Regional Airport (Bishop – Negotiating Parties – Inyo national Forest Service – Negotiations – Lease Price and Terms; and No. 23. **PERSONNEL [Pursuant to Government Code §54957]** - Public Employee Appointment - Title – Director of Planning.

Report on Closed Session The Chairperson recessed closed session at 3:40 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 in memory of Supervisor Cervantes' father, Eugene Felix Cervantes, who passed away last week at the age of 101. The Chairperson adjourned the meeting at 3:40 p.m., to 9:00 a.m., Tuesday, February 3, 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