

MINUTES

County of Inyo Board of Supervisors

May 19, 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, May 19, 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. Ms. Amy Shepherd, Administrative Analyst in the Auditor's Office, reported that the County has received the full ESTA payment. Mr. Ted Pedersen, Public Works Director, updated the Board on road projects. Ms. Mary Roper, Clerk-Recorder, reported that the County's web page now has a feature whereby the public may find out which district they live in and which Supervisor represents them. Dr. Bob Harrington, Inyo County Water Director, reported that the County has received DWP's annual report and in that they have included the increase in the pumping in the Taboose Aberdeen area. He went on to report that the Water Conservation Board has paid a \$58,000 invoice. Mr. George Milovich, Agricultural Commissioner, reported on State funds that may be available to Inyo and Mono counties. Mr. Chuck Hamilton, Deputy County Administrator reported on the Diaz Lake schedule and boat inspections. He also reported that the Campground Host at Pleasant Valley is now on site.
- Integ. Waste/21st Century Environmental Management Contract Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to approve the Contract between the County of Inyo and 21st Century Environmental Management, Inc., for the removal of stored household hazardous waste from the Inyo County Waste Management collection lockers in an amount not to exceed \$23,303.28; and authorize the Chairperson to sign. Motion carried unanimously.
- Integ. Waste/Kern County Contract Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to approve the Agreement between the County of Inyo and Kern County to allow for the disposal of solid waste generated within the most southern areas of Inyo County at the Ridgecrest Sanitary Land Fill for the period July 1, 2009 through June 30, 2012, at the annual fee of \$8,382.08 and authorize Integrated Waste to make the annual payment of \$8,382.08, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign. Motion carried unanimously.
- HHS-Hlth. Serv./ Filing Cabinets P.O. Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to approve the purchase of 48 locking filing cabinets to be used for compliance with the Medi-Cal Data Privacy and Security Agreement, through the State of California CMAS #4-98-01-0007H Cooperative Agreement, in an amount not to exceed \$10,818.72. Motion carried unanimously.
- HHS-Hlth. Serv./ CMS Plan Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to ratify the 2009-2010 Children's Medical Services (CMS) Plan and authorize the Director of Health and Human Services to sign the Certification Statements. Motion carried unanimously.
- HHS-Mental Hlth/ I.D.E.A. Contract Amendments Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to approve Amendment No. 1 to the Contract between the County of Inyo and I.D.E.A. Consulting increasing the Contract by \$5,000 to an amount not to exceed \$25,000 for the period of July 1, 2008 through June 30, 2009; and authorize the Chairperson to sign. Motion carried unanimously.

HHS-Behavioral Hlth./FY 09-10 I.D.E.A. Contract	Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to declare I.D.E.A. Consulting a sole source provider of certain mental health consultation services for FY 2009-2010, and approve the Contract between the County of Inyo and I.D.E.A. Consulting for mental health consultation services for the period of July 1, 2009 through June 30, 2010, in an amount not to exceed \$25,000, contingent upon the Board's adoption of a FY 2009-2010 budget; and authorize the Chairperson to sign. Motion carried unanimously.
HHS-Behavioral Hlth./FY 09-10 Ernst Contract	Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to declare Gary Ernst a sole source provider of certain mental health fiscal consultation services for FY 2009-2010, and approve the Contract between the County of Inyo and Gary Ernst for mental health fiscal consultation services for the period of July 1, 2009 through June 30, 2010, in an amount not to exceed \$20,000, contingent upon the Board's adoption of a FY 2009-2010 budget and authorize the Chairperson to sign. Motion carried unanimously.
HHS-Tobacco Pgm./Tri-County Fairgrounds Use Contract	Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to ratify and approve the rental agreement between the 18 th District Agricultural Association and the County of Inyo (fee waived) for the period of March 7, 2009 through December 31, 2009 for use of the northeast corner of RV camping area of the Tri-Country Fairgrounds for use as a garden for wellness consumers; and authorize the Chairperson to sign. Motion carried unanimously.
HHS-Behavioral Hlth./FY 09-10 Sprague Contract	Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to approve the Contract between the County of Inyo and Jeanette Sprague, MFT, for the provision of mental health services as part of the Mental Health Service Act (MHSA) Community Services and Supports (CSS) Plan, for the period of July 1, 2009 through June 30, 2010, in an amount not to exceed \$35,000, contingent upon the Board's adoption of a FY 2009-2010 budget; and authorize the Chairperson to sign. Motion carried unanimously.
HHS-Behavioral Hlth./FY 09-10 Vista Pacifica Contract	Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to approve the Contract between the County of Inyo and Vista Pacifica Center for mental health placement services for the period of July 1, 2009 through June 30, 2010, in an amount not to exceed \$30,000, contingent upon the Board's adoption of a FY 2009-2010 budget; and authorize the Chairperson to sign. Motion carried unanimously.
HHS-Behavioral Hlth./Villa Merced Contract Amendment	Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to approve Amendment No. 2 to the Contract between the County of Inyo and County Villa Merced Behavioral Health Center for residential placement for adults in a locked facility increasing the contract amount by \$25,000 for a total amount not to exceed \$83,000 for the period of July 1, 2008 through June 30, 2009; and authorize the Chairperson to sign. Motion carried unanimously.
HHS-Behavioral Hlth./ FY 09-10 Villa Merced Contract	Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to approve the Contract between the County of Inyo and Villa Merced Behavioral Center for residential placement for adults in a locked facility for the period of July 1, 2009 through June 30, 2010, in an amount not to exceed \$30,000, contingent upon the Board's adoption of a FY 2009-2010 budget; and authorize the Chairperson to sign. Motion carried unanimously.
HHS-Behavioral Hlth./FY 09-10 Tarzana Treatment Centers Contract	Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to approve the Contract between the County of Inyo and Tarzana Treatment Centers for the provision of residential alcohol and drug treatment for the period of July 1, 2009 through June 30, 2010, in an amount not to exceed \$25,000, contingent upon the Board's adoption of a FY 2009-2010 budget; and authorize the Chairperson to sign. Motion carried unanimously.
P.W./Spare Parts P. O.	Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to approve a blanket purchase order to Johnstone Supply for purchase of additional spare parts for Building and Maintenance, in an amount not to exceed \$4,917.50. Motion carried unanimously.
P.W./McMurtrie- Tanksley Contract	Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to approve the Contract between the County of Inyo and McMurtrie-Tanksley, Inc., for maintenance to the sanitary sewer system in the Community of Aspendell for the period of June 1, 2009 through May 31, 2012 at the rate of \$10,000 per year for an amount not to exceed \$30,000, 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.

BofS/Central Nevada Regional Water Authority Presentation	Mr. Steven Bradhurst, Executive Director of the Central Nevada Regional Water Authority, introduced Elko County Commissioner Warren Russell to the Board. Commissioner Russell and Mr. Bradhurst provided information about the Central Nevada Regional Water Authority. They discussed with the Board how Nevada water resources are managed, as well as other aspects of Nevada water law. At the conclusion of their presentation, Mr. Bradhurst invited an Inyo County Supervisor and staff to attend the Authority's June meeting which will be held in Tonopah. Supervisor Arcularius expressed an interest in attending the meetings and suggested various staff that might be interested in attending. Moved by Supervisor Cash and seconded by Supervisor Fortney to send Supervisor Arcularius and Water Department Staff to the Central Nevada Regional Water Authority Board Meeting on June 12, 2009 in Tonopah to discuss Inyo County water issues and activities with the Authority. Motion carried unanimously. After the motion was made, Supervisor Brown, and Mr. Mike Conklin, Planning Director, volunteered to attend the meeting also.
Planning/Willdan Contract Amendment General Plan Update	Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to approve Amendment No. 1 to the Contract between the County of Inyo and Willdan Engineering, for professional planning services, amending the scope of work to include planning services to update the Inyo County General Plan and Zoning Ordinance and increasing the amount of the Contract to an amount not to exceed \$115,000 and extending the term of the Contract from January 1, 2009 through August 31, 2009, contingent upon the Board's adoption of a FY 2009-2010 budget; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
Planning/Off-Sale Liquor License	The Chairperson announced that the request to approve a Resolution issuing findings that public convenience will be served by the proposed off-sale of alcoholic beverages at Fort Independence Economic Development Corporation, 135 North Highway 395, Independence, California, was pulled from consideration by the Department.
BofS/Mule Days 40 th Anniversary Proclamation	The Board took the opportunity to offer best wishes to the City of Bishop and the Mule Days Committee on the 40 th Anniversary of the event. Moved by Supervisor Arcularius and seconded by Supervisor Cash to approve the proclamation recognizing the 40 th Anniversary of the Mule Days Celebration. Motion carried unanimously.
Rd. Dept./N. Round Valley Road Closure	Supervisor Cervantes briefly left the meeting. Moved by Supervisor Arcularius and seconded by Supervisor Cash to approve the closure of North Round Valley Road on May 29, 2009 between 8:30 a.m., and 9:30 a.m., for the purpose of a Round Valley School fund raising jog-a-thon event as recommended by Staff. Motion carried unanimously, with Supervisor Cervantes absent.
Recess/Reconvene	The Chairperson recessed the regular meeting at 10:05 a.m., to reconvene in open session at 10:15 a.m., with all Board Members present.
P.W./Bishop Recreation Committee Donation for Flooring at Bishop Senior Center	The Board took the opportunity to acknowledge and thank the members of the Bishop Recreation Committee for their commitment to the Bishop Senior Center. Mr. Ed Hoff of the Bishop Recreation Committee, introduced Ms. Robinson of the Committee was in the audience, talked about the Recreation Committee's accomplishments and presented the check to the Board. Moved by Supervisor Cash and seconded by Supervisor Arcularius to A) accept the donation of \$1,225.12 from the Bishop Recreation Committee to pay for the replacement of the vinyl flooring in both restrooms at the Bishop Senior Facility; and B) amend the FY 2008-09 Maintenance of Buildings and Grounds Budget Unit 011100 by increasing estimated revenue in Donations (<i>Revenue Code #4951</i>) by \$1,225.12 and increasing appropriations in Maintenance of Structures (<i>Object Code #5191</i>) by \$1,225.12. Motion carried unanimously.
HHS-Behavioral Hlth. Serv./MHSA Agreement	Moved by Supervisor Cervantes and seconded by Supervisor Fortney to approve the Mental Health Services Act (MHSA) Agreement between the County of Inyo and the State Department of Mental Health for provision of mental health services and activities to extend the contract to June 30, 2013, in the amount of \$2,223,998, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign. Motion carried unanimously.
HHS-Behavioral Hlth./Fill Account Tech. Position	Ms. Jean Turner, Director of Health and Human Services, provided additional information and further justification for the request to fill a vacant Mental Health Account Technician position. The Board and the County Administrator discussed the lay-off procedures for County Staff and the effect of these procedures on a current employee who takes a new position in a different department. Supervisor Cash requested that the Personnel Department counsel current employees who are candidates for new positions, regarding the implications to accepting a new position in a different

department so that they are fully apprised of their situation should they take the new position and the County implements lay-offs. Moved by Supervisor Fortney and seconded by Supervisor Cash to find that consistent with the adopted Authorized Position Review Policy for a request to fill a vacant Mental Health Account Technician I/II position, A) the availability of funding for this requested position exists, as certified by the Health and Human Services Director, and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates meet the qualifications for the position, the vacancy could be filled through an internal recruitment; and C) approve the hiring of the following vacancy within the Health and Human Services Fiscal Division – Account Technician I at Range 55, (\$2,825 – \$3,434) or Account Technician II position at Range 59, (\$3,101 – \$3,767). Motion carried unanimously.

HHS-Soc. Serv./ Fill
3 vacant Integrated
Case Worker
Positions.

Ms. Jean Turner, Director of Health and Human Services, provided additional information and further justification for the request to fill three vacant Integrated Case Worker positions in the Social Services Division. Ms. Turner, explained that the division is currently in a mandatory over-time situation and that these positions are needed to maintain reimbursable services. Supervisor Cash noted that the Personnel Counseling she had requested during the previous item was to apply to all positions approved under the Authorized Position Review process. Moved by Supervisor Arcularius and seconded by Supervisor Cash to find that consistent with the adopted Authorized Position Review Policy for a request to fill vacant Social Services Integrated Case Worker positions, A) the availability of funding for the requested positions exists, as certified by the Health and Human Services Director and concurred with by the County Administrator and Auditor-Controller; B) upon exhaustion of a list created by the State Personnel Board's Merit System for these positions, additional vacancies could be filled through an internal recruitment; and C) approve the hiring of three (3) out of five (5) vacant positions within the Social Services Employment and Eligibility division, - three Integrated Case Worker I at Range 60 (\$3,176 - \$3,857) and/or II at Range 64 (3,485 - \$4,236), contingent upon qualifications of applicants. Motion carried unanimously.

CAO-Budget/Third
Quarter Budget
Review

The County Administrator reviewed the third quarter status of the County Budget. He said that the budget is in good shape for the remainder of this Fiscal Year and went on to talk about the potential impacts associated with State budget actions for next year. He reviewed current State budget deficit figures and how today's election could impact those numbers. He touched on how much of the County's property tax revenue would be vulnerable to the State's Prop 1A grab. The Board and Staff talked about how revised sentencing guidelines could negatively impact the County, i.e., increased inmate health care costs. Mr. Carunchio asked that the Board consider beginning the Budget Hearings on Tuesday, September 8, 2009, instead of Monday the 7th, which is Labor Day. Moved by Supervisor Arcularius and seconded by Supervisor Cash to A) accept the FY 2008-2009 County Third Quarter Financial Report as presented; B) approve the specific budget actions items and recommendations discussed in the report and represented in Attachments A & B of the report, and authorize the Auditor-Controller to make the budget adjustments as listed in the Attachments A & B; C) authorize the County Administrator and Auditor-Controller to make year-end adjustments, as necessary within each fund; D) approve the Preliminary FY 2009-2010 Budget Calendar with regard to the proposed dates for the Budget hearings and adoption of the Final Budget as amended to begin the hearings on Tuesday September 8, 2009, at the conclusion of that day's regular meeting; and E) direct the County Administrator and Auditor Controller to prepare a rollover budget for the start of FY 2009-2010 and present it for approval on June 16, 2009. Motion carried unanimously.

Child Support/Child
Support Officer
Position

Supervisor Cervantes briefly left the meeting. Ms. Linda Anisman, Director of Child Support Services, provided additional information and further justification for the request to fill a vacant Child Support Officers position. Moved by Supervisor Cash and seconded by Supervisor Fortney to find that consistent with the adopted Authorized Position Review Policy for a request to fill a vacant Child Support Officer position, A) the availability of funding for this requested position exists, as certified by the Child Support Services Director, and concurred with by the County Administrator and Auditor-Controller; and B) approve the hiring of the following vacancy within the Child Support Services Department – Child Support Officer I (Merit System-Child Support Specialist I) at Range 57 (\$2,957 - \$3,593) or Child Support Officer II (Merit System-Child Support Specialist II) at Range 60 (\$3,176 - \$3,857). Motion carried unanimously, with Supervisor Cervantes absent. Supervisor Cervantes returned to the meeting at the conclusion of the motion.

Ag Comm./Letter to
DWP re: Site for
Building

Moved by Supervisor Cash and seconded by Supervisor Arcularius to approve the letter to LADWP to provide additional information and direction in regards to a land site and construction of a metal building at the Bishop Airport for the Inyo and Mono Counties Agriculture Department; and authorize the Chairperson to sign. Motion carried unanimously.

County Counsel/ Contract for Personnel Legal Services	Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to ratify and approve the Contract between the County of Inyo and Atkinson, Andelson, Loya, Ruud & Romo for the provision of legal services in the area of general labor and employment advice and representation for the period of May 11, 2009 through June 30, 2010, at hourly rates varying from \$120 to \$250 per hour, with travel time billed at \$125 an hour, in an amount not to exceed \$75,000, contingent upon the Board's adoption of a FY 2009-2010 budget; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
Emerg. Serv./Mud Flow Emergency Continued	The County Administrator recommended that the Oak Creek Mud Flow emergency be continued until DWP has the permanent diversion structures in place. Moved by Supervisor Fortney and seconded by Supervisor Cervantes 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 Arcularius to approve the minutes of the May 5, 2009 Board of Supervisors Meeting. Motion carried unanimously.
Board Members and Staff Reports	The Board Members reported on their activities during the preceding week, including an ESTA Meeting, an Inyo First Five Strategic Plan Meeting, a meeting in Ridgecrest with Staff re broadband opportunities, Inyo Associates, a Southern Inyo Airport Advisory Committee Meeting, Big Pine High School 100 th Anniversary Celebration, a Mental Health Board Meeting, and a RCRC Legislative update.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 12:15 p.m., to reconvene in open session at 1:35 p.m., with all Board Members present.
Planning/Appeal of Planning Commission Approval of Walters EIR and Tract Map	The Chairperson at 1:35 p.m., opened the public hearing, de novo, regarding the appeal of the Planning Commission's adoption and certification of the Final Environmental Impact Report (FEIR) for and approval of, Tentative Tract Map #239/Walters. The Assistant Clerk of the Board entered Exhibits A a letter from Ken Reed of Bishop, dated April 20, 2009, B a copy of an editorial noted as Inyo Register April 14, 2009 submitted by Lorraine Masten of Bishop, C an April 20, 2009 letter from Lorilee Schumann and Denny Capp of Bishop, and D the May 19, 2009 letter from Lynne Almeida of the Save Round Valley Alliance, into the record. Ms. Tanda Gretz, Senior Planner, reviewed the Staff Report and recommendations. At the conclusion of her remarks she requested that the Staff Report and all of the attachments, including the two Environmental documents be entered into the record and they were marked Exhibit E. Ms. Gretz informed the Board that a representative of the Save the Round Valley group had called to say they were attempting to make it to the hearing. The Project Applicant, Mr. Walters addressed the Board to support the project. In response to a question from Supervisor Cash, Mr. Walter's confirmed that if a viable comparable site had been identified, he would have considered it for his project. The Chairperson called on those supporting the project. Mr. Doug Thompson of Lone Pine addressed the Board to provide information on the project and to support the project. Ms. Jaque Hickman of Lone Pine also addressed the Board to support the project and requested that an illustration she provided to the Board be entered into the record and it was Marked Exhibit F. The Chairperson invited the Appellants to address the Board and there was no one present representing the appellants. The Chairperson then called on those supporting the appeal and there was no one coming forward to speak. The Chairperson called for rebuttal and there was none. The Chairperson closed the public hearing at 2:25 p.m. The Board Members began their deliberation by noting that CEQA had been met and to talk about the requirements of CEQA as it applies to this project. They noted the amount of mitigation that has been attached to this project.
Resol. #2009-20/ Approving Tract Map 239/Walters	Moved by Supervisor Cervantes and seconded by Supervisor Fortney to uphold the Planning Commission approval of the project by adopting Resolution No. 2009-20, titled "A Resolution of the Inyo County Board of Supervisors of the County of Inyo, State of California, Certifying and Adopting the Final Environmental Impact Report (EIR) and Statement of Overriding Considerations and Approving Tentative Tract Map No. 239/Walters (located 4 miles west of Lone Pine: APNs 023-270-12 and 023-270-13." Motion carried unanimously.
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 2:50 p.m., to reconvene in closed session at 3:00 p.m., with all Board Members present.

- Closed Session The Board convened in closed session to discuss and take action as appropriate on Agenda Item No. 25. **PERSONNEL (Pursuant to Government Code §54957)** – Public Employee Appointment – Title – County Counsel. The Chairperson recessed closed session at 4:55 p.m., to reconvene in open session to receive a report on closed session.
- Report on Closed Session County Counsel reported that there were no items discussed in closed session, which were required by law to be reported on in open session.
- Adjournment The Chairperson adjourned the regular meeting at 4:55 p.m., to 9:00 a.m., Tuesday, May 26, 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