

MINUTES

County of Inyo Board of Supervisors

May 26, 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 26, 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 Arcularius led the Pledge of Allegiance.

- Public Comment The Chairperson announced the public comment period and there was no public comment forthcoming.
- County Department Report The Chairperson announced the County Department Report period. Mr. Ted Pedersen, Public Works Director, updated the Board on road projects. The County Administrator provided a lengthy State Budget update. He talked about some of the proposed cuts as a result of the failure of all but one of the ballot measures on last Tuesday's election. Ms. Jean Turner, Director of Health and Human Services, informed the Board that her department was not moving forward on filling the three positions authorized by the Board last week.
- P.W./CA Bretton Contract Amendment Moved by Supervisor Cervantes and seconded by Supervisor Fortney to approve Amendment No. 1 to the Contract between the County of Inyo and C A Bretton for the provision of professional appraisal services, extending the date of the Contract from an ending date of May 31, 2009 to August 31, 2009; and authorize the Chairperson to sign contingent upon the appropriate signatures being obtained. Motion carried unanimously.
- Rd. Dept./Cascade Software Agreement Moved by Supervisor Cervantes and seconded by Supervisor Fortney to approve the Agreement between the County of Inyo and Cascade Software Systems, Inc., for the provision of software maintenance and support services for the Road Department's cost accounting program, for the period of July 1, 2009, through June 30, 2010, in an amount not to exceed \$14, 025.88, contingent upon the Board's adoption of a FY 2009-2010 budget; and authorize the Chairperson to sign. Motion carried unanimously.
- Sheriff/Identix Maintenance Agreement Moved by Supervisor Cervantes and seconded by Supervisor Fortney to authorize payment of and approve the Maintenance Agreement between the County of Inyo and Identix, Inc., for the provisions of services and maintenance for the period of July 1, 2009 through June 30, 2010, for the following Identix equipment for the amounts noted for a total not to exceed \$20,788, contingent upon the Board's adoption of a FY 2009-2010: A) 9/5 coverage System I.D. 1706-00418 in an amount not to exceed \$6,042 and System I.D. 4503-020135 in an amount not to exceed \$6,042; and B) 24/7 coverage System I.D. 4603-00139 in an amount not to exceed \$8,704. Motion carried unanimously.
- BofS/Letter in Support of AB 453 The Board asked that the 2009 Legislative Platform changes be agendized for their review. Moved by Supervisor Arcularius and seconded by Supervisor Cash to approve the letter to Assemblywoman Connie Conway asking that she support AB 453 which will limit the amount charged for violations of the New Vapor Recovery Systems; authorize the Chairperson to sign; and direct that the 2009 Legislative Platform be amended to incorporate support for this legislation and returned for the Board's consideration. Motion carried unanimously.
- Planning/Appt. to the L.P. Architectural Design Review Board Moved by Supervisor Cervantes and seconded by Supervisor Fortney to appoint the following to the Lone Pine Architectural Design Review Board, to complete unexpired two-year terms ending February 24, 2011: Ms. Linda Haun representing the "public" member category and Ms. Kathi Hall, representing the Lone Pine Chamber of Commerce member category. Motion carried unanimously.
- Resol. #2009-21/ Off-Sale of Alcoholic Beverages Ft. Indy Gas Station On a motion by Supervisor Fortney and a second by Supervisor Cash, Resolution No. 2009-21, titled "A Resolution of the Board of Supervisors of the County of Inyo, State of California, 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 approved: motion unanimously passed and adopted.

Museum/Fed. Transportation Grant	The Director of Museum Services, Mr. Jon Klusmire, provided additional information on the virtual transportation museum. Mr. Klusmire and the Board talked about the requirements for the second phase of the project, with Mr. Klusmire confirming that there is no commitment to move forward with Phase II of the project if Phase I was awarded. Moved by Supervisor Fortney and seconded by Supervisor Arcularius to approve the Federal Transportation Enhancement Grant application in the amount of \$25,525, to create a Virtual Transportation Museum: An Online History of Surface Transportation in Eastern California, as part of the County of Inyo Eastern California Museum; and authorize the County Administrator to sign the application. Motion carried unanimously.
Closed Session	<p>County Counsel reported that Items No. 13. 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; No. 14. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(a)] - David Gregory Greene v. County of Inyo/Inyo County Sheriff's Department(1) - DFEH RE: E200809-C-0600-00e; and No. 15. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(a)] - Department of Fair Employment & Housing v. County of Inyo Greene v. County of Inyo Sheriff's Department(2) – RE: E200809c1059-00-re/37AAA906327, had been pulled from consideration. The Board convened in closed session at 9:45 a.m., with all Board Members present to discuss and take action as appropriate on Agenda Items No. 12. 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. 16. 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. 17. 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. 18. 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. 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 - Employee Organization: Law Enforcement Administrators' Association (LEAA) - Negotiators: CAO Kevin Carunchio and Labor Relations Administrator Sue Dishion; No. 21. PERSONNEL [Pursuant to Government Code §54957] - Public Employee Appointment - Title: County Counsel; and No. 22. CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6] - Instructions to Negotiators re: Wages, salaries and benefits - Title: County Counsel - Negotiator: As designated by the Board of Supervisors.</p>
Recess/Reconvene	The Chairperson recessed closed session at 11:40 a.m., to reconvene in a workshop at 11:45 a.m., with all Board Members present.
Workshop/High Sierra Energy Foundation	The Board convened in a workshop with Mr. Rick Phelps, Executive Director of the High Sierra Energy Foundation, to receive an update on the foundation's activities. The Chairperson recessed the workshop at 12:00 p.m., to reconvene in open session.
Emer. Ser./Oak Creek Mud Flow Continued	The County Administrator recommended that the Oak Creek Mud Flow Emergency be continued for the reasons given in previous meetings. 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	The Clerk of the Board requested that the minutes of the Special Meeting of May 6, 2009 be amended to include the additional language noted on page 5 no. E of the resolution and that the correction of makes be changed to makers on page 2, fourth line of the top paragraph of the May 12, 2009 mintus. Moved by Supervisor Cash and seconded by Supervisor Arcularius to approve the minutes of the Board of Supervisors meetings of A) May 6, 2009 as amended and B) May 12, 2009, as amended. Motion carried unanimously.

Board Members and Staff Reports The Board Members reported on their activities during the preceding week, including a report on the fish stocking up Bishop Creek, a budget update, the Mule Days activities, an LTC Meeting, an Inyo First Five Strategic Plan Meeting, the upcoming CSAC Legislative Conference, and a request to have AB 1409 agendized for discussion and possible action on next week's Agenda.

Recess/Reconvene The Chairperson recessed the regular meeting at 12:40 p.m., to reconvene at 1:30 p.m., with all Board Members present.

Public Works/ Youth Centers at Statham Hall and Indy Legion Hall Representatives of the Healthy Communities, Ms. Arlene Grider and Ms. Jaque Hickman, addressed the Board to provide additional information regarding the proposal to utilize Statham Hall and the Independence Legion Hall as youth centers for Healthy Communities. Supervisor Arcularius expressed concern with waiving the fees for use of the halls because of the impact to the revenue derived by the Senior Program through site rentals. Additionally, several Board Members expressed concern with the Senior Program having to absorb the increased utilities costs associated with consistent increased use. The Board asked if there was a way to assess the amount of the increases for the utilities and P.W. confirmed they could monitor the increased use. Ms. Jacque Hickman of Healthy Communities, explained that the Contract provides that when the facility is needed for other events, they are notified and reschedule their activities so there is no conflict. Supervisor Brown asked if the youth utilizing the sites could participate in fundraising activities to help pay for using the facilities. The Board indicated they would be willing to consider a one-year contract with the Healthy Communities paying for the increased utilities costs and monitoring the rental revenue to determine the impact. It was moved by Supervisor Cervantes and seconded by Supervisor Fortney to approve the License Agreements with the facilities fees being waived for one-year. Motion failed on a two-to-three vote with Supervisors Cervantes and Fortney voting yes, and with Supervisors Arcularius, Cash, and Brown voting no.

Moved by Supervisor Cash and seconded by Supervisor Arcularius to approve the License Agreements for the extended use of Statham Hall and Independence Legion Hall as locations for the establishment of Healthy Communities Youth Centers, as amended to include a clause that states Healthy Communities will pay the additional utilities costs associated with their usage of the facilities; authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained; and direct IMAAA staff to track loss of revenue related to the usage of the facility by Healthy Communities. Motion carried unanimously.

Public Comment The Chairperson announced the second public comment period and there was no public comment forthcoming.

Closed Session The Chairperson recessed open session at 2:40 p.m., to reconvene in closed session, with all Board Members present, to continue discussion on previously noted closed session items.

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 that with regard Agenda Item No. 21. **PERSONNEL [Pursuant to Government Code §54957] - Public Employee Appointment** - Title: County Counsel, the Board of Supervisors, in a unanimous vote, with Supervisors Arcularius, Cash, Brown, Fortney and Cervantes voting yes, is pleased to announce the appointment of Mr. Randy Keller to the Office of County Counsel, effective August 8, 2009, at a salary of \$9,800 per month, contingent upon the Board's approval of a personal services contract in open session.

Adjournment The Chairperson adjourned the regular meeting at 3:42 p.m., to 9:00 a.m., Tuesday, June 2, 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