

MINUTES

County of Inyo Board of Supervisors

June 2, 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, June 2, 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. Supervisor Richard Cervantes informed the Board of a letter he had received from Mark Long, which indicates that the information the Board received regarding private airplane business use and insurance requirements was wrong. Supervisor Cervantes provided the letter to County Counsel who said that he would forward it to the County's Risk Manager, who had contacted the FAA directly, prior to providing the information regarding private planes to the Board.
- County Department Reports** The Chairperson announced the County Department Report period. Ms. Jean Turner, Director of Health and Human Services, updated the Board on ramifications of proposed State budget actions. Mr. Ted Pedersen, Public Works Director, updated the Board on road projects. Supervisor Brown notified Mr. Pedersen that because of the construction on Red Hill Road there is a large bump that is not well marked and could cause a problem. Supervisor Fortney asked Mr. Pedersen to check on the Independence widening project, which is denying access to private driveways for extended periods of time. Mr. Marvin Moskowitz, Environmental Health Director, updated the Board on an incident in Tecopa, which resulted in the water to the Tecopa Community Center being shut off for several days. Dr. Bob Harrington, Inyo County Water Director, updated the Board on the development of an Integrated Regional Water Management Plan. The County Administrator, Mr. Kevin Carunchio, informed the Board that he had participated in a CSAC budget conference call. He provided information on the impact to local programs as a result of the cuts being proposed by the State.
- HHS-Hlth. Serv./ Lone Pine Office Space Lease** Moved by Supervisor Cash and seconded by Supervisor Cervantes to approve the Lease Agreement between the County of Inyo and Donald Christenson, M.D., for property at 380 Mt. Whitney Drive in Lone Pine, at the rate of \$2,536 per month for the period of July 1, 2009 through June 30, 2010, contingent upon the Board's adoption of a FY 2009-10 budget; and authorize the Chairperson to sign. Motion carried unanimously.
- HHS-Hlth. Serv./ Health Officer Contract** Moved by Supervisor Cash and seconded by Supervisor Cervantes to approve Amendment No. 1 to the Contract between the County of Inyo and Richard O. Johnson, M.D., amending the scope of work and reducing the Contract amount for Health Officer services by \$105,044.76 to a total amount not to exceed \$385,189.32 for the period of November 1, 2007 through June 30, 2012, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign. Motion carried unanimously.
- Sheriff/Vacancies** Sheriff Lutze and the Board discussed the Sheriff's request to fill one vacant Lieutenant position and two vacant deputy sheriff positions. Moved by Supervisor Arcularius and seconded by Supervisor Fortney to find that, consistent with the adopted Extraordinary Budget Control Policies: A) the availability of funding for requested positions comes from the General Fund, as certified by the Sheriff and concurred with by the County Administrator and Auditor-Controller; B) where internal candidate meet the qualifications for the position, the vacancy could be filled through an internal recruitment; and C) approve the hiring of the following vacancies within the Sheriff's Safety Division – one Lieutenant at Range 79SC (\$5,624 - \$6,842); and two Deputy Sheriff at Range SA67 (\$3,948 - \$4,804). 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.

<p>BofS/AB 1409 Revisions to Public Contracting Code</p>	<p>The Board discussed the current status of AB 1409, which would revise the public contract code in such a manner as to negatively impact small remote rural counties. Mr. Ted Pedersen, Public Works Director, provided additional information regarding the impacts of the proposed changes. The Board went on to discuss proposed amendments to the bill, which are being proposed to address the oppositions concerns, as well as the possibility of exclusions for small population counties. The Board expressed a desire to have a letter supporting the bill if it is amended made available to our State legislators before they are requested to consider the bill. Prior to taking action on the request for a position on AB 1409, the Board asked Staff to check with CSAC or RCRC to find out the status of the Bill, explaining that if the Bill is in the suspense file, there is no need for immediate action. The Board directed that the Chairperson sign a letter to our State Legislators, which identifies the impact of the legislation on Inyo County and relaying the County's support for AB 1409, which would revise the Public Contract Code §20395(c) if it is amended to protect and/or has a population exclusion for Inyo County and other small rural counties.</p>
<p>BofS/Legislative Platform</p>	<p>The Board discussed the amendments to the 2009 Legislative Platform. They discussed the two proposed amendments, which were (a) to oppose legislation that amends the State's prison sentencing guidelines to negatively impact the County and (b) oppose legislation that increases costs to private industry. The Board talked about amending the proposed language on the sentencing guidelines by adding the following at the end of the sentence "including but not limited to commutation of sentences and commutation of variable sentencing options (i.e., wobblers), without corresponding dedicated long-term reliable revenue stream and the ability to administer it locally." Supervisor Cervantes expressed concern with the impact of Federal regulations on the State of California as a result of the Federal Environmental Species Act and suggested that the Legislative Platform be amended to incorporate opposition of these regulations. The Board discussed Supervisor Cervantes' suggestion and it was determined that the current Platform, under the Planning and Land Use Section, incorporates sufficient statements to provide for the County to oppose these types of regulations. Supervisor Fortney informed the Board of new State Fire Code regulations, which will require sprinkler systems in new construction. He explained that the regulations are not being implemented through legislation, but would have a tremendous negative impact on Inyo County. The Board talked about adding a blanket statement at the beginning of the Legislative Platform that qualifies that the County's positions on legislation extends to rules, regulations, guidelines, etc., that are set by other governing agencies and departments that impact the County. The Board went on to request that the statement drafted regarding private industry be amended to read "Oppose legislation that is unduly burdensome to private industry." Moved by Supervisor Cash and seconded by Supervisor Fortney to approve the 2009 Legislative Platform, as amended. Motion carried unanimously.</p>
<p>DA/Budget Amendment</p>	<p>Moved by Supervisor Arcularius and seconded by Supervisor Fortney to amend the FY 2008-09 District Attorney Budget Unit 022400 as follows: increase estimated revenue in Restitutions (<i>Revenue Code #4676</i>) by \$10,066 and increase appropriations in Special Appropriations (<i>Object Code #5321</i>) by \$10,066. Motion carried unanimously.</p>
<p>P.W./Shoshone A/P Budget Amendment</p>	<p>Moved by Supervisor Cervantes and seconded by Supervisor Cash to amend the FY 2008-09 Shoshone Airport Special Aviation Budget Unit 150800 as follows: increase appropriations in External Charges (<i>Object Code #5124</i>) by \$9,021, Travel (<i>Object Code #5331</i>) by \$576, and Utilities (<i>Object Code #5351</i>) by \$100. Motion carried unanimously.</p>
<p>P.W./Transportation & Planning Budget Amendment</p>	<p>Moved by Supervisor Arcularius and seconded by Supervisor Cash to amend the FY 2008-09 Transportation & Planning Budget Unit 504605 as follows: increase estimated revenue in State Other (<i>Revenue Code #4499</i>) by \$50,000 and increase appropriations in External Charges (<i>Object Code #5124</i>) by \$50,000. Motion carried unanimously.</p>
<p>Water Dept./CA Water Plan Update 2009</p>	<p>Dr. Bob Harrington, Inyo County Water Director, provided a brief history of the California Water Plan and the scheduled 2009 Update. He reviewed the Update in detail and highlighted the areas of the Plan which were not in line with Inyo County water policy, which included the General Plan mandates, the areas of origin for water and the use of the term "blue printing" and its implications. Dr. Harrington confirmed that he would amend his letter to the California Department of Water Resources, incorporating today's discussion so that it is sent by the June 5th deadline.</p>

County Counsel/ Kirby Contract Amendment	Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to approve Amendment No. 3 to the Agreement between the County of Inyo and John D. Kirby, A.P.C., exercising the option to extend the Contract for the provision of civil litigation services, for the period of July 1, 2009 through June 30, 2010, at the rate of \$180 per hour and with a Contract limit of \$200,000 for the period of the Contract extension; contingent upon the Board's adoption of a FY 2009-10 budget; and authorize the Chairperson to sign. Motion carried unanimously.
County Counsel/ James Yucca Mountain Services Contract	Moved by Supervisor Cash and seconded by Supervisor Fortney to approve the Agreement between the County of Inyo and Gregory L. James, Attorney at Law, for the provision of legal services to the County related to the Yucca Mountain Repository Licensing Proceedings before the Nuclear Regulatory Commission and related Court actions for the period of July 1, 2009 through June 30, 2010, at a base rate of \$185 per hour, and as further set forth in Attachment B to the Contract, with travel time paid at \$50 an hour, in an amount not to exceed \$160,000, contingent upon the Board's adoption of a FY 2009-10 budget; and authorize the Chairperson to sign. Motion carried unanimously.
County Counsel/ James Water Services Contract	Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to approve the Agreement between the County of Inyo and Gregory L. James, Attorney at Law, for the provision of Water/Environmental Attorney services to the Water Department for the period of July 1, 2009 through June 30, 2010, at the rate of \$140 for every hour of legal services except travel time which will be paid at \$50 an hour, in an amount not to exceed \$60,000; contingent upon the Board's adoption of a FY 2009-10 budget; and authorize the Chairperson to sign. Motion carried unanimously.
CAO-Info Serv./ USDA-RC&D Support Letter re: Broadband Needs Study Grant	The Board reviewed the memo from the USDA-Natural Resources Conservation Services, Desert Mountain RC&D, asking for a letter of support from the Board of Supervisors for submission of an application to the California Emerging Technology Fund (CETF) for funds to complete a study to assess the broadband needs and existing infrastructure in the three county areas of Kern, Inyo and Mono. Moved by Supervisor Fortney and seconded by Supervisor Cash to authorize the Chairperson to sign the letter of support, as drafted. Motion carried unanimously.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 11:30 a.m., to reconvene in open session at 11:45 a.m., with all Board Members present.
Ag Comm./Public Hearing O.V. Mosquito Abatement Program and Mosquito Control and Disease Prevention Assessments	The Chairperson opened the public hearing at 11:45 a.m., on the proposed continuation of the assessments for the "Owens Valley Mosquito Abatement Program Assessment" and the "Mosquito Control and Disease Prevention Assessment" to receive public input on the proposed continuation of the assessments, the proposed assessments budget for Fiscal Year 2009/2010 and the services and programs, the assessments fund, and any other issues related to the assessments. The Agricultural Commissioner, Mr. George Milovich, introduced the representative of the firm that conducted the Benefit Assessment, who reviewed the Staff Report and recommendations. The Board and staff discussed the report in detail and at length. There was no public comment forthcoming regarding these assessments. The Chairperson closed the public hearing at 11:55 a.m.
Resolution No. 2009-22/Adopting Mosquito Assessments	On a motion by Supervisor Arcularius and a second by Supervisor Cervantes, Resolution No. 2009-22 was adopted, approving the Engineer's Report, confirming the diagram and assessments for FY 2009-2010 for the "Owens Valley Mosquito Abatement Program Assessment" and the "Mosquito Control and Disease Prevention Assessment;" motion unanimously passed and adopted.
Emerg. Serv./Mud Flow Emergency Cont'd.	The County Administrator recommended the local emergency as a result of the Oak Creek Mud Flows be continued until the permanent diversion structures are in place. He noted that DWP has estimated the diversions will be in place by late fall. 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.
Board Members and Staff Reports	The Board Members reported on their activities during the preceding week, including an IMAAA Meeting, a Lone Pine Museum Meeting, an Interagency Visitor Center Meeting, the reopening of the Mt. Whitney Fish Hatchery ceremony, and a Big Pine Volunteer Fire Commissioners Board Meeting.

Recess/
Reconvene The Chairperson recessed the regular meeting at 12:30 p.m., to reconvene in open session at 1:22 p.m., with all Board Members present.

Board Members and Staff Reports Con'd. The Board Members continued their reports including a detailed report on the State Budget situation and the CSAC Legislative Conference, including the proposal by the State to not pay the counties their portion of the gas tax revenues and its impact on Inyo County.

Public Comment The Chairperson announced the public comment period and there was no one from the public wishing to address the Board.

Closed Session The Chairperson recessed open session at 2:00 p.m., to convene in closed session, with all Board Members present, to discuss and take action as appropriate on Agenda Items No. 19. **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. 20. **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. 21. **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. 22. **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. 23. **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; and No. 25. **PERSONNEL [Pursuant to Government Code §54957] - Public Employee Performance Evaluation** - Title: Director of Health and Human Services.

Report on Closed Session The Chairperson recessed closed session at 3:35 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 3:35 p.m., to 9:00 a.m., Tuesday, June 9, 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