

MINUTES

County of Inyo Board of Supervisors

June 9, 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 9, 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. Supervisor Cervantes read a letter from constituent complaining about the closure of Klondike Lake.
- County Dept.
Reports The Chairperson announced the County Department Report period. Ms. Jean Turner, Health and Human Service Director, updated the Board on the State budget impacts to her department. Mr. Ted Pedersen, Public Works Director, updated the Board on State budget impacts on his departments. Mr. Chuck Hamilton, Deputy County Administrator, updated the Board on the Lone Pine Park Improvement Project. Mr. George Milovich, Agricultural Commissioner, provided a State budget update on impacts to his department. Dr. Bob Harrington, Water Director, updated the Board on the DWR meeting he attended, reporting that the County IRWP has been accepted by the State.
- Emerg. Serv./Mud
Flow Emerg. Cont. Moved by Supervisor Cervantes and seconded by Supervisor Cash to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.
- Motor Pool/ Vehicle
Purchases Moved by Supervisor Cervantes and seconded by Supervisor Cash to A) declare Perry Motors, Folsom Lake Ford and Lasher Auto Center as non-responsive bidders; B) award the bid to and approve the purchase from Eastern Sierra Motors of Bishop, as the low bidder, of the following: four compact sedans in the amount of \$63,522.74, and one 4WD 5-passenger utility vehicle in the amount of \$22,852.78, contingent upon the Board's adoption of a FY 2009-2010 budget; C) award the bid to and approve the purchase from Rotolo Chevrolet of Fontana, as the low bidder, of one 1/2-ton crew cab 4WD pickup in the amount of \$27,937.92, contingent upon the Board's adoption of a FY 2009-2010 budget. Motion carried unanimously.
- Auditor/Neely Audit
Contract Moved by Supervisor Cervantes and seconded by Supervisor Cash to declare Neely Accountancy Corp a sole-source provider of special district auditing services and approve the Contract between the County of Inyo and Neely Accountancy Corp for the bi-annual special district audits, for the period of July 1, 2009 through June 30, 2010, in an amount not to exceed \$20,500, contingent upon the Board's adoption of a FY 2009-2010 budget; and authorize the Chairperson to sign. Motion carried unanimously.
- Clerk-Elections/
Statement of Votes
Cast Moved by Supervisor Cervantes and seconded by Supervisor Cash to issue an order accepting the statement of All Votes Cast at the Statewide Special Election held May 19, 2009 and declare elected those offices under their jurisdiction for this election, and declare passed or failed those measures under their jurisdiction for this election according to the number of votes for each as shown on the Statement of all Votes Cast. Motion carried unanimously.
- Coroner/Autopsy
Service Contract
Amendment Moved by Supervisor Cervantes and seconded by Supervisor Cash to approve Amendment No. 1 to the Contract between the County of Inyo and Dr. Jones for autopsy services, increasing the Contract by \$5,000 to an amount not to exceed \$37,950, for the period of July 1, 2008 through June 30, 2009, and authorize the Chairperson to sign. Motion carried unanimously.
- Coroner/Medtox
Labs Contract
Amendment Moved by Supervisor Cervantes and seconded by Supervisor Cash to approve Amendment No. 2 to the Contract between the County of Inyo and Medtox Laboratories for toxicology services, increasing the Contract by \$500 to an amount not to exceed \$4,100, for the period of July 1, 2008 through June 30, 2009, and authorize the Chairperson to sign. Motion carried unanimously.

HHS-Behavioral Hlth./Tarzana Treatment Centers Contract	Moved by Supervisor Cervantes and seconded by Supervisor Cash to approve Amendment No. 1 to the Contract between the County of Inyo and Tarzana Treatment Centers for the provision of residential alcohol and drug treatment services, increasing the Contract by \$1,800 to an amount not to exceed \$26,800, for the period of July 1, 2008 through June 30, 2009, and authorize the Chairperson to sign. Motion carried unanimously.
HHS-Behavioral Hlth./Mono Co. Telephone Answering Services Contract	Moved by Supervisor Cervantes and seconded by Supervisor Cash to ratify and approve the Contract between the County of Inyo and the County of Mono for telephone answering services for after hours and holiday response to Mono County's statewide toll-free telephone number, for the period of January 1, 2009 through June 30, 2010, in the amount of \$6,000, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign. Motion carried unanimously.
HHS-HIV/State Counseling & Testing Contract Amendment	Moved by Supervisor Cervantes and seconded by Supervisor Cash to approve Amendment No. 2 to the Agreement and MOU between the County of Inyo and the State of California Department of Public Health for HIV counseling and testing, and HIV/AIDS surveillance, decreasing those two sections of the grant by \$11,690 to a total amount of \$94,460 for the period of July 1, 2007 through June 30, 2010, contingent upon the Board's adoption of a FY 2009-2010 budget; and authorize the Chairperson to sign. Motion carried unanimously.
HHS-HIV/Contract Termination Education & Prevention Services	Moved by Supervisor Cervantes and seconded by Supervisor Cash to A) authorize the termination of services under the HIV Education and Prevention MOU between the County of Inyo and the California Department of Public Health, that provides for the creation and provision of HIV education and prevention media outreach in the County of Inyo for the period of July 1, 2007 through June 30, 2010; and B) declare its support for the transfer of the remaining state funds, not encumbered by Inyo County, to augment the Mono County HIV education and prevention master agreement, upon CA Department of Public Health approval. Motion carried unanimously.
HHS-Misc./UC Davis Training Contract	Moved by Supervisor Cervantes and seconded by Supervisor Cash to approve the contract between the County of Inyo and the Regents of the University of California, on behalf of its Davis Campus University Extension, for training services for the period of July 1, 2009 through June 30, 2010, in an amount not to exceed \$44,160, contingent upon the Board's adoption of a FY 2009-2010 budget; and authorize the Chairperson to sign. Motion carried unanimously.
HHS-Misc./HHS Office Furniture P.O.	Moved by Supervisor Cervantes and seconded by Supervisor Cash to award the bid for and approve the purchase of office furniture for the Health and Human Services offices located at 912 N. Main Street, in Bishop, from Jones-Campbell Company, Inc., in an amount not to exceed \$22,323.06, including installation. Motion carried unanimously.
Planning-Yucca Mt./Hydrodynamics Contract Amendment	Moved by Supervisor Cervantes and seconded by Supervisor Cash to ratify and approve Amendment No. 2 to the Contract between the County of Inyo and the Hydrodynamics Group, LLC, for hydrologic support services, changing the term of the Contract from an expiration date of June 8, 2009 to June 8, 2010 and amending the scope of work to coordinate with Amendment #011 of Cooperative Agreement DE-FC28-06RW12368, 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-Yucca Mt./Hydrodynamics FY 2009-2010 Contract	Moved by Supervisor Cervantes and seconded by Supervisor Cash to declare The Hydrodynamics Group, LLC, as a sole-source provider of Yucca Mountain Oversight services, and approve the Contract between the County of Inyo and Hydrodynamics Group, LLC, for the period of July 1, 2009 through June 30, 2010, in an amount not to exceed \$250,000, 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.
P.W./Tri-State Surveying Contract Amendment	Moved by Supervisor Cervantes and seconded by Supervisor Cash to approve Amendment No. 2 to the Contract between the County of Inyo and Tri-State Surveying, Ltd., for the provision of County Surveyor services, extending the term of the Contract to December 31, 2009, contingent upon the Board's adoption of a FY 2009-2010 budget; and authorize the Chairperson to sign. Motion carried unanimously.

Resol. #2009-23/ Dispute Resolution Fee Increase	On a motion by Supervisor Cervantes and a second by Supervisor Cash, Resolution No. 2009-23, was approved, authorizing the increase in the Court Civil Filing distribution for County dispute resolution programs from \$3.00 to \$8.00 and directing the Clerk of the Board to provide the Administrative Office of the Court with a copy of said resolution at least 15 days prior to July 1, 2009: motion unanimously passed and adopted. .
Integ. Waste/B.P Fire Disposal Fees	The Board and Staff discussed the request from the Big Pine Fire Department to have the permit, disposal and gate fees waived for the demolition and disposal of the old Big Pine Library Building. Supervisor Cervantes noted, that while he supports this request, the Board did not waive the fees for the Healthy Communities use of the Independence Legion Hall and the Statham Hall. Several Supervisors pointed out that the request referred to by Supervisor Cervantes was for an on-going project, not just one-time costs, and that request placed the burden of covering the increased costs on the Senior Program, unlike this request which does not incur increased on-going costs. Moved by Supervisor Fortney and seconded by Supervisor Cash to waive the gate and disposal fees and the demolition permit fees for the demolition and disposal of the old Big Pine Library Building by the Big Pine Volunteer Fire Department. Motion carried unanimously.
Coroner/Coroner Services Contracts	The County Administrator noted to the Board that the Deputy Coroner Contracts with William Stinnett and Jeffrey Mullenhour, reflect a 16% and 25% increase over last year's contracts and that the Coroner has not provided supporting information for the increases as was advised through the signature approval process. The Board discussed the need to have information concerning the increases and considered approving the contracts with Medtox, Dr. Jones and Scott Stell and postponing the approval of the other two contracts until staff has an opportunity to talk with the Coroner. The Board was advised that the Coroner is out of County but accessible via phone. Moved by Supervisor Cash and seconded by Supervisor Arcularius to approve the contracts between the County of Inyo and the following, for the period of July 1, 2009 through June 30, 2010, in the amounts specified, contingent upon the Board's adoption of a FY 2009-2010 budget; and authorize the Chairperson to sign: A) Medtox Laboratories, Inc., for toxicology services, in an amount not to exceed \$4,000; B) Milton R. Jones, M.D. for autopsy services in an amount not to exceed \$35,950; and D) Scott Stell for deputy coroner services in an amount not to exceed \$5,400; and direct staff to contact the Coroner concerning the increases in the contracts with C) William D. Stinnett for deputy coroner services in an amount not to exceed \$14,600 and E) Jeffrey Mullenhour for deputy coroner services in an amount not to exceed \$14,600 to be returned next week for further consideration and possible approval. Motion carried unanimously.
P.W./Bishop County Services Reroofing Project	<p>The Board discussed the re-scoped Bishop County Services Facility Re-roofing Project. The County Administrator noted that in order for this project to proceed the department would need to ensure that the funding is included on the fixed asset list in the role-over budget. The Board discussed the need to complete the project and the fact that this project is crossing fiscal years. Supervisor Fortney noted that he was not provided a copy of the plans and specifications, explaining that without reviewing the documents, he was unable to take a position on this item. The Board explained that one copy of the plans and specifications are made available for review in the Clerk of the Board's office rather than copying each document for individual Board Members. The Board postponed further discussion of this matter in order to provide Supervisor Fortney an opportunity to review the plans and specifications. The Chairperson recessed the regular meeting at 9:55 a.m., to reconvene at 10:15 a.m., with all Board Members present.</p> <p>Moved by Supervisor Arcularius and seconded by Supervisor Cash to direct the Public Works Director to advise the appropriate funding amount and the specific fixed asset code for the FY 2009-2010 rollover budget to cover the Bishop Senior Center and County Services Building re-roofing project. Motion carried unanimously.</p> <p>Moved by Supervisor Arcularius and seconded by Supervisor Cash to approve the plans and specifications for the re-scoped Bishop County Services Facility Re-roofing Project and authorize the Public Works Director to advertise for bids for the Project. Motion carried unanimously.</p>
Ag. Comm./2009 Crop Report	The Agricultural Commissioner, Mr. George Milovich, presented copies of the 2009 Annual Crop and Livestock Report to the Board. The Board and Mr. Milovich reviewed the report in detail and at length.

Water Dept./LORP 2009-2010 Workplan Dr. Bob Harrington, Inyo County Water Director, presented the FY 2009-2010 Lower Owens River Project workplan and budget for the Board's consideration. Dr. Harrington reviewed the workplan and budget. The Board and the County Administrator commended Dr. Harrington and P.W. Staff for developing the workplan and subsequent budget that is reasonable and manageable while meeting the goals of the LORP post implementation. Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to adopt the 2009-2010 Fiscal Year Lower Owens River project Workplan and budget. Motion carried unanimously.

Recess/ Reconvene The Chairperson recessed the regular meeting at 10:55 a.m., to reconvene in open session at 11:05 a.m., with all Board Members present.

Treasurer/Order For No TRANS The Treasurer-Tax Collector, Ms. Alisha McMurtrie, provided additional information regarding the request to notify the local school districts that the County will not authorize the issuance of school districts' Tax and Revenue Anticipation Notes (TRANS) for FY 2009-2010. She explained that in the recent past only two school districts' have participated in the TRANS for about \$2 million. She went on to explain that this year each of the School Districts and the Office of Education are looking at issuing revenue anticipation notes in an amount over \$12 million. She said that she believes it is the way the school districts are dealing with the State's budget cuts. Mr. Dan Muniz of the Office of Education, provided information on how the school districts' TRANS work. Ms. McMurtrie confirmed that it is again her recommendation that the County not issue School District TRANS for FY 2009-2010. Moved by Supervisor Arcularius and seconded by Supervisor Cash to issue the order pursuant to Section 53853(b) of the California Government Code notifying the Inyo County Superintendent of Schools, Big Pine Unified School District, Bishop Union Elementary School District, Bishop Joint Union High School District, Death Valley Unified School District, Lone Pine Unified School District, Owens Valley Unified School District and Round Valley Joint Elementary School District that the Inyo County Board of Supervisors will not authorize by resolution the issuance of the school districts' Tax and Revenue Anticipation Notes (TRANS) for FY 2009-2010, for a maximum amount of \$12,250,000, on their behalf. Motion carried unanimously.

County Counsel/ Amendments to Contracts in the Inyo Citizen's for Better Planning Lawsuit Moved by Supervisor Cash and seconded by Supervisor Arcularius to A) approve the amendments to the contracts between the County of Inyo and the following for appellate work in the *Inyo Citizen's for Better Planning v. Inyo County* lawsuit, and authorize the Chairperson to sign: (a) Amendment No. 3 to the Liebersbach, Mohen, Carney & Reed Contract, increasing the Contract by \$18,000 to an amount not to exceed \$119,540; (b) Amendment No. 3 to the David and Ellen Laverty Contract, increasing the Contract limit by \$6,000 to an amount not to exceed \$36,000; (c) Amendment No. 3 to the Charles and Eileen Schain Contract, increasing the Contract limit by \$6,000 to an amount not to exceed \$36,000; and (d) Amendment No. 3 to the James and Mary Core Contract increasing the Contract limit by \$6,000 to an amount not to exceed \$36,000; and B) amend the FY 2008-2009 County Counsel Budget Unit 010700 by increasing unanticipated revenue in Services and Fees (*Revenue Code #4819*) by \$18,000 and increasing expenditures in Services and Supplies-Professional and Other Legal Services (*Object Code #5268*) by \$18,000. Motion carried unanimously.

County Counsel/ Amendments to Contracts for Save Round Valley Alliance Lawsuit Moved by Supervisor Cervantes and seconded by Supervisor Fortney to A) approve Amendment No. 4 to the Agreement between the County of Inyo and Jim Walters for the reimbursement of Inyo County for defense litigation costs for *Save Round Valley Alliance v. County of Inyo, et al.*, for the term from September 2, 2005 to completion of the lawsuit, increasing the Contract limit by \$10,500 to an amount not to exceed \$95,500; and authorize the Chairperson to sign; B) amend the FY 2008-09 County Counsel Budget Unit 010700 by increasing unanticipated revenue in Services and Fees (*Revenue Code #4868*) by \$10,500 and increasing expenditures in Services and Supplies-Professional and Other Legal Services (*Object Code #5267*) by \$8,000; (*4/5's vote required*); and C) approve and ratify Amendment No. 3 to the Agreement between the County of Inyo and Liebersbach, Mohun, Carney & Reed for the provision of legal services in advising and representing the County of Inyo, and its Board, as Respondents in *Save Round Valley Alliance v. County of Inyo et al.*, for the term from September 2, 2005 to completion of the lawsuit, increasing the Contract limit by \$16,020 to an amount not to exceed \$76,020; and authorize the Chairperson to sign. Motion carried unanimously.

BofS/Minute Approval Moved by Supervisor Cash and seconded by Supervisor Arcularius to approve the minutes of the May 19, 2009 Board of Supervisors Meeting. Motion carried unanimously.

BofS/Buck Gibbons Plaque Mr. Phil McDowell, a retired Inyo County District Attorney, reviewed the request from the family of Buck Gibbons, requesting that a plaque in honor of Mr. Gibbons, a former Inyo County District Attorney, who passed away after retiring, be placed in the foyer outside the District Attorney's Office in the Inyo County Courthouse. He asked that a letter in support of this action from LeeAnn Rasmuson, be added to those previously provided. Sybil Gibbons, addressed the Board to tell the Board how honored the Gibbons' family would be to have the plaque placed in the Courthouse and to also inform the Board that the ceremony for the placement of the plaque, if approved by the Board, is scheduled for October 16, 2009, and that the entire family is planning on attending. The Board thanked Mr. McDowell and Mrs. Gibbons and shared some personal remembrances of Buck. Moved by Supervisor Arcularius and seconded by Supervisor Cash to approve the placement of a permanent plaque in honor of L.H. "Buck" Gibbons, a former Inyo County District Attorney, in the foyer outside the District Attorney's Office in the Inyo County Courthouse, with the placement ceremonies tentatively scheduled for October 16, 2009. Motion carried unanimously.

Board Members and Staff Reports The Board Members reported on their activities during the preceding week, including a LAFCO Public Hearing, a CSAC Budget update, a Bishop City Council Meeting, a Lone Pine Museum fund raiser, a Unified Command Meeting, an Indian Gaming Meeting, the Concert in the Rocks event, a Big Pine Civic Club Meeting, a Memorial Day picnic in Big Pine honoring our veterans, an Arts Council Meeting, a Great Basin Air Pollution Control District Meeting, and an RCRC budget update. The County Administrator reported on the Indian Gaming Meeting and clarified which types organizations qualify for Indian Gaming funds, and to talk about the budget information provided by the Board Members and what he is aware of regarding the State Budget.

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 12:15 p.m., to reconvene at 1:30 p.m., in closed session, with all Board members present.

Closed Session The Board convened in closed session to discuss and take action as appropriate on Agenda items No. 30. **CONFERENCE WITH LEGAL COUNSEL – EXISTING/ANTICIPATED LITIGATIONS [Pursuant to Government Code §54957.9(a)(c)] – one case** – Impacts of Past Annual Operations Plans Dispute between LADWP and County of Inyo, Adjudication of Dispute Pursuant to the Long Term Water Agreement entered June 1997 as Stipulation and Order fro Judgment, Inyo County Superior Court Case No. 12908; No. 31. **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. 32. **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. 33. **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. 34. **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; and No. 35. **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.

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 at 3:40 p.m., to 9:00 a.m., Tuesday, June 16, 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