

# MINUTES

# County of Inyo Board of Supervisors

## August 25, 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, August 25, 2009, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Vice-Chairperson Richard Cervantes presiding as Chairperson, Linda Arcularius, Susan Cash, Marty Fortney and Richard Cervantes. Supervisor Brown was absent. Supervisor Cervantes provided the Invocation, and Supervisor Cash led the Pledge of Allegiance.

- Public Comment** The Chairperson announced the public comment period. Mr. Edward Shelander of Independence addressed the Board to state a concern he had with the construction on Highway 395 through Independence. Mr. Shelander said that the noise from the construction equipment, which begins early in the mornings, is disrupting the visitors who are staying at the local hotels and asked if the work could begin after 7:00 a.m.
- County Department Reports** The Chairperson announced the County Department Report period. Mr. Ted Pedersen, Public Works Director, reported that the County has received bids for the North Barlow/Dixon Lanes Project and the Bishop Re-roofing Project, which he will be bringing back in the near future for consideration by the Board for the award of the Contracts. He also told the Board that he would take a look at what is available to the County as far as noise control is concerned and he will talk with Caltrans and the Contractor, regarding Mr. Shelander's complaint. Mr. Pedersen also provided the Board with a copy of a letter from Granite Construction Company to Caltrans, which reflects the date of July 24, 2010 as the estimated date of completion for the Independence 4-lane Project. The County Administrator informed the Board of a fire and hazardous waste event which had occurred in Lone Pine over the weekend. He thanked the Sheriff's Department and the Environmental Health Department for their quick response to the incident. Mr. Carunchio also informed the Board that he had received a phone call from a David Talbot from Southern California, who had been evacuated during the Mt. Whitney fire several weeks ago. He said that Mr. Talbot was calling to commend the County for the shelters that were opened and all of the assistance, which was rendered to those using the shelter. Mr. Carunchio took the opportunity to again recognize the County Health and Human Services staff for their assistance during the incident.
- CAO/Oak Creek Mud Flows Cont'd.** Moved by Supervisor Arcularius and seconded by Supervisor Fortney to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously, with Supervisor Brown absent.
- Planning/Willdan Contract Amendment No. 2** Mr. Mike Conklin, Planning Director, reported on the progress of the General Plan Update. He reported that he has reviewed the document and it is being returned to the Contractor for review. Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve Amendment No. 2 to the Contract between the County of Inyo and Willdan Engineering for the provision of professional planning services to update the Inyo County General Plan and Zoning Ordinance and to continue to provide coordination efforts, extending the Contract from a term ending June 30, 2009 to a term ending June 30, 2010; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously, with Supervisor Brown absent.
- BofS/Letter Supporting Use of Table Mt. Repeater by the Public in the Bishop Creek Area** Supervisor Arcularius presented the draft letter she was proposing be sent to the U.S. Forest Service in support of the Forest Service making their repeater on Table Mountain available to the people who live and recreate in the Bishop Creek area to enhance the internet capabilities. Moved by Supervisor Fortney and seconded by Supervisor Arcularius to approve the letter of support for use of the United States Forest Service (USFS) Repeater Station located on Table Mountain to be made available for use by the residents and businesses in communities on the North and South Forks of Bishop Creek and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Brown absent.

Probation/  
Reorganization

Chief Probation Officer, Jeff Thomson, reviewed his recommendations for the reorganization in his department. He said that the plan will help the Department provide better efficiencies and enhance services while saving the County general fund money. The Board both individually and collectively commended Chief Thomson for his recommendation, which resulted in a General Fund savings of a little over \$223,000. Supervisor Cash questioned whether the new Job Titles are a part of the classification study and was told by Ms. Sue Dishion of the Personnel Department that they were not in the study. The County Administrator, Mr. Kevin Carunchio, explained that the reorganization proposal was being presented prior to budget hearings because of the amount of money the reorganization saves the County's General Fund, He said that should the Board not support the recommendation further adjustments would need to be made to present a balanced budget for consideration during budget hearings since the savings have been incorporated into the CAO's Recommended Budget for FY 2009-2010. Moved by Supervisor Cash and seconded by Supervisor Arcularius to:

A) find that, consistent with the adopted Authorized Position Review Policy the availability of funding for the requested positions comes from the General Fund, as certified by the Chief Probation Officer and concurred with by the County Administrator and Auditor-Controller;

B) create the positions of Deputy Director Adult and Juvenile Services at Range 81 (\$5,364 - \$6,522); Deputy Director of Juvenile Institutions at Range 81 (\$5,364 - \$6,522); and Juvenile Institutions Cook at Range 51 (\$2,653 - \$3,217);

C) amend the Probation Department's authorized strength by (a) adding one Deputy Director Adult and Juvenile Services at Range 81, one Director of Juvenile Institutions at Range 81, one Juvenile Institutions Cook at Range 51 and one Administrative Legal Secretary at Range 70 (\$4,138 - \$5,032) and authorize the filling of these positions through a closed departmental recruitment; (b) deleting any positions vacated by this recruitment, excluding the Legal Secretary position; and (c) deleting one Fiscal Supervisor position at Range 67 (\$3,852 - \$4,676) and two Group Counselor I positions at Range 62 (\$3,426 - \$4,166); and

D) authorize the open recruitment to fill two Deputy Probation Officer I positions at Range 67 (\$3,852 - \$4,676), one Legal Secretary I position at Range 54 (\$2,840 - \$3,454) and one Account Clerk I position at Range 43 (\$2,206 - \$2,683).

Motion carried unanimously, with Supervisor Brown absent.

Grand Jury/County  
Response to Final  
Report

The County Administrator briefly reviewed the County's response to the Grand Jury's Final Report, offering his thanks to the Grand Jury for their comments and observations. Supervisor Cash asked that two minor changes be made as follows: Page 8 County's Response to Recommendation No. 1, first paragraph, third sentence, insert the word "are" in front of "...responsible for..." and that same section the second paragraph last sentence insert the word "certain" in between "...make changes..." Moved by Supervisor Arcularius and seconded by Supervisor Cash to approve the report to Judge Dean Stout, Presiding Judge, Inyo County Superior Court, responding to the findings and recommendations of the 2008-2009 Grand Jury Final Report, as amended; and authorize the County Administrator to sign the transmittal letter. Motion carried unanimously, with Supervisor Brown absent.

CAO/Dept. Head  
Evaluation Forms  
Modification

The County Administrator explained that in order to be responsive to a recommendation from the Grand Jury regarding the Department Evaluation Forms modifications had been made to incorporate statements regarding a Department's staffing levels. The Board discussed the proposed changes, with Supervisor Arcularius requesting the addition of a box to reflect the number of vacancies a department has and Supervisor Cash requesting information on the average longevity of department staff. Additionally the Board asked that an evaluation statement be added regarding succession planning. Moved by Supervisor Arcularius and seconded by Supervisor Cash to approve the modifications and additions as noted to the Appointed Department Head Evaluation forms, to incorporate suggestions from the Grand Jury. Motion carried unanimously, with Supervisor Brown absent.

BofS/Minute  
Approval

Moved by Supervisor Fortney and seconded by Supervisor Cash to approve the minutes of the August 11, 2009 Board of Supervisors Meeting. Motion carried unanimously, with Supervisors Cash, Fortney and Cervantes voting yes, with Supervisor Arcularius abstaining and with Supervisor Brown absent.

- Planning-Yucca Mt./ D.V. Aquifer Monitoring Program Cooperative Agreement
- The Planning Director, Mr. Mike Conklin, informed the Board that the DOE had advised the County this morning that rather than pursuing a Cooperative Agreement for the continuation of the aquifer studies in Death Valley, the County will be applying for a Grant. Mr. Conklin said the forms remain the same other than the reference will now be "Grant" instead of "Cooperative Agreement" and the County will now be competing for funding. Mr. Conklin explained that the \$549,000 for the Echo Canyon Well and the extension of the BLM #2 well is available through fund balance and is appropriated in the FY 2009-2010 budget to be considered by the Board next week during budget hearings. He confirmed that should a grant be awarded, the Board will still have to approve acceptance of the Grant. Moved by Supervisor Fortney and seconded by Supervisor Arcularius to approve the application for a \$9-million Grant from the U.S. Department of Energy for the continuation of studies associated with the County of Inyo's Death Valley Lower Carbonate Aquifer Monitoring Program, contingent upon the Board's adoption of future budgets; authorize the finalization of the application documents for a Grant and authorize the Planning Director to sign the application documents contingent upon continuation of Federal funding. Motion carried unanimously, with Supervisor Brown absent.
- Planning-Yucca Mt./ Plans & Specs Wells D.V. Aquifer Monitoring Program
- Supervisor Cash explained that her concern with the funding for the wells in the Death Valley Lower Carbonate Aquifer Monitoring Program had been addressed by Mr. Conklin in the previous discussion when he had confirmed that funding for this project was available in fund balance. Moved by Supervisor Cash and seconded by Supervisor Arcularius to approve the plans and specifications for the drilling of the Echo Canyon well and the extension of the existing BLM #2 well for the Death Valley Lower Carbonate Aquifer Monitoring Program; and authorize the Yucca Mountain Project Analyst to advertise for bids for the project. Motion carried unanimously, with Supervisor Brown absent.
- Org./Inyo Council for the Arts/Millpond Closure
- Supervisor Arcularius updated the Board on the upcoming Millpond Music Festival, reporting that ticket sales are keeping pace with or a little better than last year's sales. Moved by Supervisor Arcularius and seconded by Supervisor Fortney to authorize the closure of the Millpond Recreation Area to the public from Friday, September 18, 2009 at 6:00 a.m., through Sunday, September 20, 2009 at midnight for the 18<sup>th</sup> Annual Millpond Music Festival. Motion carried unanimously, with Supervisor Brown absent.
- Board Members and Staff Reports
- The Board Members reported on their activities during the preceding week including lengthy reports on the CSAC and RCRC Board of Directors' meetings, the Bishop City Council Meeting, an Independence Civic Club Meeting, a meeting with Public Works and the Independence CSD on transfer of the Independence Sewer System, a Big Pine Fire Commissioners' meeting, the final meeting of the Inyo Mono Fish and Game Advisory Commission, and the meeting in Ridgecrest on the RETI project. Mr. Randy Keller, County Counsel, informed the Board that the lawsuit brought by Little Lake contesting the County's certification of the EIR for the Coso project has been withdrawn by Little Lake, without prejudice, which means that they cannot re-file the lawsuit, the matter is closed and Coso may proceed with their project. The County Administrator, Mr. Kevin Carunchio, updated the Board on the Digital 395 Project.
- Public Comment
- The Chairperson announced the second public comment period and there was no one from the public wishing to address the Board.
- Closed Session
- The Chairperson recessed open session at 10:50 a.m., to reconvene in closed session at 11:10 a.m., with all Board Members present except Supervisor Brown, to discuss and take action as appropriate on Agenda Items No. 14. **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. 15. **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. 16. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Elected Officials Assistants Association (EOAA) - 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: Inyo County Probation Peace Officers Association (ICPPOA) - Negotiators: CAO Kevin Carunchio and Labor Relations Administrator Sue Dishion; and No. 18. **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 12:40 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 12:40 p.m., to 9:00 a.m., Tuesday, September 1, 2009, in the Board of Supervisors Room, at the County Administrative Center, in Independence.

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*Chairperson, Inyo County Board of Supervisors*

*Attest: KEVIN D. CARUNCHIO  
Clerk of the Board*

by: \_\_\_\_\_  
*Patricia Gunsolley, Assistant*