

# MINUTES

# County of Inyo Board of Supervisors

**November 3, 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, November 3, 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 Inyo County Administrator, Kevin Carunchio, 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. Jean Turner, Health and Human Services Director, reported on educational opportunities that are being developed for a select number of her staff, and the ISAWS conversion, with Ms. Dickinson commending the tremendous help the Department received from Mr. Brandon Shults, the Information Services Director and his staff. Mr. Ted Pedersen, Public Works Director, notified the Board that the County has received Highway User Tax funds from the State. Mr. Brandon Shults, Information Services Director, clarified a recent report in the local newspaper regarding the Digital 395 Project. He explained that there were two broadband projects, one smaller project, which was approved and the larger Digital 395 Project, which is still being considered by the CPUC. Mr. Jon Klusmire, Director of Museum Services, updated the Board on the Geotourism web page. The Water Director, Dr. Bob Harrington, clarified a report in the local newspaper regarding the Islands project. Dr. Harrington also addressed draft legislation on ground water monitoring that if passed could severely impact the County. Supervisor Arcularius commented that the legislation was introduced to help address the problem with the Delta, but instead was written in such a way as to place unintended consequences on all of the other water basins in the State. Dr. Harrington also advised that DFG has released the EIR/EIS on their Hatchery operations and he has drafted a letter to be signed by himself and the Planning Director addressing the counties concerns, which he will bring back for Board consideration next week. The County Administrator reported that in the recently adopted Federal Budget legislation there was staff revision language, which eliminates the requirement that the local jurisdictions are to share in geothermal royalties. He said that our Federal Legislators are aware of the problem and are taking steps to correct it. Mr. Carunchio also talked about the amount of geothermal royalty money Inyo County could lose if this legislation is not corrected.
- Emergency Serv./Mud Flow 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.
- CAO-Info Serv./Day Wireless Systems Agreement      Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve the purchase of a three-year maintenance agreement for Alcatel data switching equipment from Day Wireless Systems, the apparent low bidder, in an amount not to exceed \$31,183, including sales tax; and authorize the Chairperson to sign Supply and Services Agreement. Motion carried unanimously.
- HHS-Misc./Wellness Center Lease      Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve the renewal Lease Agreement between the County of Inyo and Nor Group LLC for the rental of real property described as 587 Third Street in Bishop, at the rate of \$1,000 per month, for a total amount not to exceed \$36,000 for the period of November 7, 2009 through November 6, 2012, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign. Motion carried unanimously.
- Rd. Dept./Road Closure      Moved by Supervisor Arcularius and seconded by Supervisor Fortney to authorize the Public Works Director to close Tecopa Hot Springs Road for the installation and replacement of six culverts located at three different locations. Motion carried unanimously.

BofS/Minute Approval	Supervisor Arcularius thanked Supervisor Cash for relaying her request to have the meeting of October 20, 2009, adjourned in memory of Andrew McConnell and requested that the minutes of October 20, 2009 be amended to reflect under the public comment paragraph and the adjournment paragraph the correct spelling of Lewis McConnell and the addition of his wife Betty, as well as changing Starlite to Aspendel. Additionally, Supervisor Arcularius noted that on page three, last paragraph, second to the last sentence that schedule be changed to scheduled. Supervisor Cash requested that a stray apostrophe be removed on page two the third paragraph from the bottom and that on page four paragraph two, the last sentence that the word local be removed. Moved by Supervisor Cash and seconded by Supervisor Fortney to approve the minutes of the October 20, 2009 Board of Supervisors Meeting, as amended. Motion carried unanimously, with Supervisor Arcularius abstaining.
Board Members and Staff Reports	Prior to reporting on their activities during the preceding week, Supervisor Cervantes requested that today's meeting be adjourned in memory of Red Butler a long-time Lone Pine resident and Supervisor Brown announced that today's meeting would also be adjourned in memory of Julia Kinney a long-time Bishop Resident. Supervisor Arcularius asked that the Board send a condolence letter to Peter Tracy and his wife, who recently lost their son Philip. The Board Members reported on the activities including a Inyo First Five Meeting, a meeting with Senator Feinstein's staff, a Bishop City Council meeting, a trip to San Francisco to talk with the CPUC on the Digital 395 Project, constituent meetings, a Southern Inyo Airport Advisory Committee meeting, Change of Command Ceremony at China Lake NWC, a meeting with the Regional Forester in Vallejo, a Carson and Colorado Railroad Meeting, a conference call on the RETI Project, an RCRC Executive Board Meeting, a request for the County to respond to the Death Valley Stewardship Plan, a California Invasive Species Advisory Committee meeting, Travel Management Plan appeals filed by private parties, an IMAAA audit by the California Department of Aging, Foster Care Commission meeting, Northern Inyo Airport Advisory Committee meeting, and a report of a motion for Summary Judgment being filed in the RS2477 litigation.
Recess/Reconvene	The Chairperson recessed the regular meeting at 10:50 a.m., to reconvene in a workshop at 11:05 a.m., with all Board Members present.
Workshop/Coroner	The Board convened in a workshop with the Inyo County Coroner on the Basic Death Investigation Guide.
Recess/Reconvene	The Chairperson recessed the workshop at 11:45 a.m., to reconvene in open session, with all Board Members present.
Public Comment	The Chairperson announced the second public comment period and there was no one wishing to address the Board. The Chairperson recessed open session at 11:45 p.m., to convene in closed session with all Board Members present.
Closed Session	The Board met in closed session to discuss and take action as appropriate on Agenda Items No. 10. <b>CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Pursuant to Government Code §54956.9(a) – Sierra Club &amp; Owens Valley Committee v. City of Los Angeles, Los Angeles Department of Water and Power, et al</b> Inyo County Superior Court Case No. SICVCV 08-46888 (“LORP #4”); No. 11. <b>CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Pursuant to Government Code §54956.9(a) – Judith M. Hall, Charging Party v. County of Inyo/Inyo County Sheriff's Department</b> US EEOC Charge No. 485-2007-00299; No. 12. <b>REAL PROPERTY NEGOTIATIONS - CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Pursuant To Government Code §54956.8) – Property – Eastern Sierra regional Airport (Bishop) – Negotiating Parties – Los Angeles Department of Water and Power and the County of Inyo – Negotiations – Lease Price and Terms;</b> No. 13. <b>CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]</b> -Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Deputy Sheriff's Association (DSA) - Negotiators: Undersheriff Jim Jones, Labor Relations Administrator Sue Dishion and Deputy County Counsel Susanne Rizo; No. 14. <b>PERSONNEL (Pursuant to Government Code §54957)-</b> Public Employee Performance Evaluation – Title – Director Health and Human Services; and No. 15. <b>CONFERENCE WITH LABOR NEGOTIATOR (Pursuant to Government Code §54957.6) –</b> Instructions to Negotiators re: wages, salaries and benefits – Title - Director of Health and Human Services - Negotiator – as designated by the Board of Supervisors.

Report on Closed Session      The Chairperson recessed closed session at 3:55 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 meeting in memory of Red Butler of Lone Pine and Julia Kenny of Bishop. The Chairperson adjourned the meeting at 3:55 p.m., to 9:00 a.m., Tuesday, November 10, 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*