

MINUTES

County of Inyo Board of Supervisors

November 10, 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 10, 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 one wishing to address the Board.
- County Department Reports The Chairperson announced the County Department Report period. Dr. Bob Harrington, Water Director, updated the Board on ground water monitoring legislation he had reported on last week. Ms. Jean Turner, Director of Health and Human Services, reported on the Domestic Violence Symposium, thanking Judge Stout for his involvement. The Agricultural Commissioner, Mr. George Milovich, informed the Board that efforts are underway to list the larvacide chemical used in mosquito control as a pesticide, which pollutes water. He said his State Association is working on a waiver.
- BofS/Change in Committee Assignment Moved by Supervisor Cervantes and seconded by Supervisor Fortney to appoint Supervisor Marty Fortney as the Board's alternate representative to the Regional Council of Rural Counties (*RCRC*). Motion carried unanimously.
- Emergency Serv./Mud Flow Cont'd. Moved by Supervisor Cervantes and seconded by Supervisor Fortney 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 Fortney to A) declare Perry Motors and Folsom Lake Ford as non-responsive bidders; B) award the bid to Eastern Sierra Motors of Bishop, as the low bidder, for the purchase of three full size 2009 sedans (police package) in an amount not to exceed \$67,016.22; C) award the bid to Downtown Ford of Sacramento, as the low bidder, for the purchase of two full size 2009 utility vehicles, 4-door (police package) in an amount not to exceed \$53,529.02; and D) declare Eastern Sierra Motors as the winning bidder pursuant to Section V(c) of the Inyo County Purchasing Policy allowing for a 3% credit to local vendors and authorize the purchase of one full size sedan vehicle (admin and police package) in an amount not to exceed \$22,095.14 from Eastern Sierra Motors. Motion carried unanimously.
- Resol. #2009-47/Grant Application On a motion by Supervisor Cervantes and a second by Supervisor Fortney, Resolution No. 2009-47, titled "A Resolution of the Board of Supervisors, County of Inyo, State of California, Approving the Application for Grant Funds for the California Department of Transportation Environmental Enhancement and Mitigation Program Under the Section 164.56 of the Streets and Highways Code," was approved: motion unanimously passed and adopted.
- HHS-Behavioral Hlth./Office of Ed MOU Mental Hlth. Services Moved by Supervisor Cervantes and seconded by Supervisor Fortney to approve the Memorandum of Understanding (MOU) between the County of Inyo and the Inyo County Office of Education for the receipt of funds to provide Mental Health services to emotionally disabled children, for the Fiscal Year 2009/2010; and authorize the Director of Health and Human Services to sign. Motion carried unanimously.
- HHS-Hlth. Serv./MCAH Funding Agreement Moved by Supervisor Cervantes and seconded by Supervisor Fortney to ratify and approve the Maternal Child and Adolescent Health (MCAH) Allocation funding between the County of Inyo and the State of California in the amount of \$63,000 for the period of July 1, 2009 through June 30, 2010; and authorize the Chairperson to sign the Agreement Funding Application Policy Compliance and Certification. Motion carried unanimously.

| | |
|-------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Probation/Allvest Info Serv. Contract | Moved by Supervisor Cervantes and seconded by Supervisor Fortney to approve the Contract between the County of Inyo and Allvest Information Services, Inc., for a web-based risk/needs assessment software package for at-risk youth for the period of November 10, 2009 through November 10, 2010, in an amount not to exceed \$16,500, contingent upon the Board's adoption of future budgets; and authorize the Chief Probation Officer to sign. Motion carried unanimously. |
| P.W./Nichols Consulting Engineers 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 Nichols Consulting Engineers, CHtd. (NCE) for engineering services, increasing the Contract by \$3,000 from \$167,380 to \$170,380 for preparing and presenting a workshop on the implementation of the Pavement Management System to the Board of Supervisors and for providing a PowerPoint presentation with detailed notes for use by the Bishop City Council; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously. |
| Resol. #2009-48/ Notice of Completion Re-roofing Project | On a motion by Supervisor Cervantes and a second by Supervisor Fortney, Resolution No. 2009-48 was approved accepting the improvements and authorizing the recording of a Notice of Completion for the Bishop County Facilities Re-roofing Project: motion unanimously passed and adopted. |
| P.W./Sheriff's Shoshone Substation Lease | The Public Works Director, Mr. Ted Pedersen, clarified that the County will be paying the utilities and if necessary a contract amendment will be brought forward at a later date to cover this if this Contract does not. Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to ratify and approve the Lease Agreement with Shoshone Development Company for the Sheriff's Substation located on Highway 127 in Shoshone for the period of November 1, 2009 through October 31, 2012, with two one year options to extend, at a rate of \$430 per month, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously. |
| HHS-Misc./Account Tech Position | Moved by Supervisor Fortney and seconded by Supervisor Arcularius to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for an Account Technician I/II position exists, as certified by the Health and Human Services Director, and concurred with by the County Administrator and Auditor-Controller; B) the current vacant Account Technician position has been flown internally twice, both with failed recruitments, and HHS currently has an open recruitment through the State Merit Personnel System; with a request for the ability to hire off of the list that could be created from this most recent recruitment and if there is not a list a request to have the ability to once again have an open recruitment to fill this position; and C) approve the hiring of the following vacancy within the Health and Human Services Fiscal Division, an account Technician I at Range 55 (\$2,910 – \$3,537) or an Account Technician II at Range 59 (\$3,194 - \$3,880), and direct Personnel to counsel County employees who may be candidates for the position of the effect of the County's lay off procedures on changes in position. Motion carried unanimously. |
| HHS-Misc./Info Services HHS Tech Position | Moved by Supervisor Arcularius and seconded by Supervisor Fortney to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for an Information Services position focused on Health and Human Services requests exists, as certified by the Health and Human Services Director, and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates meet the qualifications for the position, the vacancy could possibly be filled through an internal recruitment but it is more likely that an open recruitment will be necessary to recruit applicants with the necessary qualifications; and C) approve the hiring of a Network and Operations Analyst I at Range 65 (\$3,671 – \$4,464), II at Range 69 (\$4,041 - \$4,904), III at Range 72 (\$4,336 - \$5,267), or IV at 76 (\$4,768 - \$5,796) depending upon qualifications, and direct Personnel to counsel County employees who may be candidates for the position of the effect of the County's lay off procedures on changes in position. Motion carried unanimously. |
| Planning/D.V. Stewardship Plan Comments | Mr. Josh Hart, Senior Planner, provided the Board with a copy of a revised draft letter responding to the Death Valley National Park Proposed Wilderness and Backcountry Stewardship Plan. The Board and Staff discussed the correspondence, with the Board requesting that the opening sentence be changed to omit the "On behalf of..." portion and to change the "I" reference to "we" throughout the letter. The Board discussed inviting the new Superintendent of Death Valley to meet the Board, the County Administrator, explained that as a result of the meeting with Senator Feinstein's staff, he will be meeting with the Superintendent next week, to discuss access to the borrow pit on Saline Valley Road and said that he would extend the invitation to come and meet the Board. |

Moved by Supervisor Fortney and seconded by Supervisor Cervantes to approve the correspondence, submitted by Staff during today's discussion, to the Superintendent of Death Valley National Park regarding the proposed Wilderness and Backcountry Stewardship Plan for Death Valley National Park and authorize the Chairperson to sign. Motion carried unanimously.

Water Dept./DFG Hatchery EIR/EIS Comments

The Water Director, Dr. Bob Harrington, explained how the County became aware of the comment period for DFG's EIR/EIS on the Hatchery and Stocking Program. He reviewed the proposed comment letter in detail. Supervisor Cervantes read into the record a letter from Daniel Pritchard of the Native Plant Society on water concerns in the Blackrock area. The Board concurred with Staff's letter, with Supervisor Cash noting that the County is not being critical of the Hatchery Program, simply noting the County's concern that it was not notified that the document was out for comment. Moved by Supervisor Fortney and seconded by Supervisor Cash to approve the letter to the California Department of Fish and Game commenting on their Hatchery and Stocking Program Environmental Impact Report/Environmental Impact Statement and authorize the Planning Director and Water Director to sign. Motion carried unanimously. Supervisor Cervantes briefly left the meeting.

BofS/Minute Approval

Moved by Supervisor Cash and seconded by Supervisor Fortney to approve the Minutes of the October 27, 2009 Board of Supervisors Meeting. Motion carried unanimously, with Supervisor Cervantes absent. Supervisor Cervantes rejoined the meeting.

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.

Board Members and Staff Reports

The Board Members reported on their activities during the preceding week including, a conference call on the RETI Program, various Veterans Day celebrations throughout the County, a Great Basin Air Pollution Control District Meeting at Owens Lake, the Standing Committee Meeting, a conference call on the Digital 395 Project, the Bringing Business to Bishop Forum, a request for a review of Inyo 2020 Goals, an Invasive Species Advisory Council conference call, notice that the Big Pine Library building has been demolished, follow-up information from the County Administrator on efforts to restore local jurisdictions share of geothermal royalties and a reminder that next Tuesday's Meeting, November 17, 2009 has been cancelled because three Board Members will be traveling to Monterey to attend the Annual CSAC Conference and that tomorrow, Wednesday, November 11, 2009, is a holiday and the County offices will be closed..

Closed Session

The Chairperson recessed open session at 11:05 a.m., to convene in closed session, with all Board Members present, to discuss and take action as appropriate on Agenda Items No. 20. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Pursuant to Government Code §54956.9(a) – Sierra Club & Owens Valley Committee v. City of Los Angeles, Los Angeles Department of Water and Power, et al Inyo County Superior Court Case No. SICVCV 08-46888 (“LORP #4”); No. 21. 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: Undersheriff Jim Jones, Labor Relations Administrator Sue Dishion and Deputy County Counsel Susanne Rizo; No. 22. **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. 23. **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. 24. **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. 25. **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. 26. **PERSONNEL (Pursuant to Government Code §54957)**- Public Employee Performance Evaluation – Title – Chief Probation Officer; and No. 27. **CONFERENCE WITH LABOR NEGOTIATOR (Pursuant to Government Code §54957.6)** – Instructions to Negotiators re: wages, salaries and benefits – Title – Chief Probation Officer - Negotiator – as designated by the

Board of Supervisors. The Chairperson recessed closed session at 11:40 a.m., to reconvene in a workshop, with all Board Members present.

HHS-IMAAA/Dept. of Aging Req. The Board convened in a workshop with IMAAA Staff on the California Department of Aging requirements. The Chairperson recessed the workshop at 12:45 p.m, to immediately reconvene in open session.

Public Comment The Chairperson announced the second public comment period and there was on one from the public wishing to address the Board.

Recess/Reconvene The Chairperson recessed the regular meeting at 12:45 p.m., to reconvene in closed session at 1:35 p.m., with all Board Members present.

Closed Session The Board met in closed session to continue its discussion on the previously noted closed session items.

Report on Closed Session The Chairperson recessed closed session at 4:45 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 4:45 p.m., to 9:00 a.m., Tuesday, November 24, 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