

# MINUTES

# County of Inyo Board of Supervisors

**December 15, 2009**

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:05 a.m., on Tuesday, December 15, 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 the County Administrator, Mr. Kevin Carunchio led the Pledge of Allegiance.

- Closed Session      The Chairperson recessed open session at 8:05 a.m., to convene in closed session, with all Board Members present to discuss and take action as appropriate on Agenda Items No. 1. **PERSONNEL (Pursuant to Government Code §54957)**- Public Employee Performance Evaluation – Title – Public Works Director and No. 2. **CONFERENCE WITH LABOR NEGOTIATOR (Pursuant to Government Code §54957.6)** – Instructions to Negotiators re: wages, salaries and benefits – Title – Public Works Director – Negotiator – as designated by the Board of Supervisors. Supervisor Cash left closed session at 9:50 a.m., and returned at 10:45 a.m. The Chairperson recessed closed session at 11:35 a.m., to reconvene in open session at 1:00 p.m., with all Board Members present.
- Public Comment      The Chairperson announced the public comment period. Supervisor Brown thanked Supervisors Arcularius and Cash, along with the County Administrator, Kevin Carunchio and Mr. Brandon Shults, for their efforts on the Digital 395 project and congratulated them on the success in getting the necessary CPUC funding for the project. Supervisor Brown also thanked the Road Department for the snow removal in her district, with Supervisor Arcularius echoing thanks for her district.
- County Department Report      The Chairperson announced the County Department Report period. Mr. George Milovich, Agricultural Commissioner, report on a State Ag Conference he had attended.
- Emerg. Serv./Local Emerg. 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.
- Integ. Waste/Vector Engineering 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 Vector Engineering, changing the billing cycle and adding language incorporating Attachments A through D of the Contract; and authorize the Chairperson to sign. Motion carried unanimously.
- CAO-Personnel/ Water Director Contract Amendment      Moved by Supervisor Cervantes and seconded by Supervisor Fortney to approve Amendment No. 1 to the Agreement between the County of Inyo and Robert F. Harrington, for personal services as the Water Director, for the County to provide and maintain a motor vehicle for Officer's exclusive use; such vehicle will be available to Officer for his travel between Bishop and Independence and for business purposes, vehicle will be stored at the designated County facility in Bishop, effective December 15, 2009; and authorize the Chairperson to sign. Motion carried unanimously.
- Planning-Yucca Mt./Expenditure of Funds Certification      Moved by Supervisor Cervantes and seconded by Supervisor Fortney to certify that \$687,209.82 in funds provided to Inyo County as an Affected Unit of Local Government (AULG) under the Nuclear Waste Policy Act, as amended, have been expended in accordance with the provisions of that Act, Public Law, and the Omnibus Appropriations Act; authorize the Chairperson to sign, and direct Yucca Mountain Staff to submit the certification to the U.S. Department of Energy. Motion carried unanimously.
- P.W./Surveying Contract Amendment      Moved by Supervisor Cervantes and seconded by Supervisor Fortney to approve Amendment No. 3 to the Contract between the County of Inyo and Tri-State Surveying, Ltd., for the provision of County Surveyor Services, increasing the amount of the Contract by \$10,000 to a total not to exceed \$80,000, and extending the term of the Contract to December 10, 2010, contingent upon the Board's adoption of a FY 2010-2011 budget; and authorize the Chairperson to sign. Motion carried unanimously.

- P.W./RMT Contract Amendment Dehy Park Project Moved by Supervisor Cervantes and seconded by Supervisor Fortney to approve Amendment No. 1 to the Contract between the County of Inyo and RMT for continued environmental consulting services for the Dehy Park Improvement Project, extending the term of the Contract to December 31, 2011, contingent upon the Board's adoption of a FY 2010-2011 Budget; and authorize the Public Works Director to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
- P.W./RMT Contract Amendment Moved by Supervisor Cervantes and seconded by Supervisor Fortney to approve Amendment No. 6 to the Contract between the County of Inyo and RMT for continued environmental consulting services for various projects, extending the term of the Contract to December 31, 2011, contingent upon the Board's adoption of future budgets; and authorize the Public Works Director to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
- P.W./Eastern Sierra Engineering Contract Amendment Moved by Supervisor Cervantes and seconded by Supervisor Fortney to approve Amendment No. 9 to the Contract between the County of Inyo and Eastern Sierra Engineering for continued engineering services, extending the term of the Contract to December 31, 2011, contingent upon the Board's adoption of a 2010-2011 Budget; and authorize the Public Works Director to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
- Resol. #2009-57/EECBG Funds On a motion by Supervisor Cervantes and a second by Supervisor Fortney Resolution No. 2009-57 is approved, authorizing the application for Energy Efficiency and Conservation Block Grant (EECBG) funds in the amount of \$79,941 to the California Energy Commission for electrical efficiency upgrades to County facilities as recommended by Staff: motion unanimously passed and adopted.
- Rd. Dept./Ft. Indep. Road Closure Moved by Supervisor Cervantes and seconded by Supervisor Fortney to grant authority to the Road Commissioner to close the north access to Fort Independence Road to two-way traffic from 9:00 a.m., to 4:00 p.m., on Sunday, December 27, 2009; and Sunday, January 3, 2010. Motion carried unanimously.
- Sheriff/NWC Night Vision Goggles Contract Moved by Supervisor Cervantes and seconded by Supervisor Fortney to approve the Contract between the County of Inyo and the Naval Surface Warfare Center (NAVSURFWARCENDIV) for the lease of eleven An/PVS-5 (or equivalent) night vision goggles for the period of November 29, 2009 through November 29, 2010, in an amount not to exceed \$3,300; and authorize the Sheriff to sign. Motion carried unanimously.
- Ag. Comm./Budget Amendment-Vehicle P.O. and Staffing Authorization The Ag Commissioner provided additional information and further justification for the request to amend the Weed Management Budget to purchase vehicles, extend the Program's season and to authorizing filling vacant positions. Moved by Supervisor Cash and seconded by Supervisor Fortney to A) amend the FY 2009-2010 Eastern Sierra Weed Management Area (ESWMA) Budget Unit 621300 as follows: increase estimated revenue in State Other (*Revenue Code #4498*) by \$49,450, Federal Other (*Revenue Code #4552*) by \$63,602; and Services and Fees (*Revenue Code #4819*) by \$13,387, and decrease estimated revenue in Other Agencies (*Revenue Code #4599*) by \$76,323; and increase appropriations in Part Time Employees (*Object Code #5012*) by \$26,597, Personal & Safety Equipment (*Object Code #5112*) by \$500, Maintenance of Equipment (*Object Code 5173*) by \$6,500; Health, Employee Physicals (*Object Code #5260*) by \$500, Professional Services (*Object Code #5265*) by \$4,000, General Operating Expense (*Object Code #5311*) by \$12,019, and Vehicles (*Object Code #5655*) by \$11,000 and decrease Equipment (*Object Code #5650*) by \$11,000; (*requires 4/5's vote*); B) declare Rotolo Chevrolet, Downtown Ford, Folsom Lake Ford and Perry Motors as non-responsive bidders; C) award a bid to Eastern Sierra Motors as the low bidder for the purchase of one 2010 3/4-ton crew/super cab 4x4 pickup in an amount not to exceed \$35,546; D) authorize the extension of the ESWMA season from 6 months to 9 months; E) find that consistent with the adopted Authorized Position Review Policy (i) the availability of funding for the requested positions exists as certified by the Agricultural Commissioner and concurred with by the County Administrator and Auditor-Controller; (ii) where internal candidates meet the qualifications for the positions, the vacancies could possibly be filled through internal recruitment, but an open recruitment would be more appropriate as there may not be sufficient internal applicants to fill the requested positions; and (iii) approve the hiring of five seasonal Field Assistant I at Range 050 PT (\$13.90 – \$16.87 per hour) or II at Range 54 (\$15.22 - \$18.51 per hour) (2 seasonals to work 9 months and 3 to work 6 months); and F) approve the extension of the two existing Field Assistant seasonal positions by three months. Motion carried unanimously.

HHS-Health Serv./  
State Contract for  
Public Health  
Emergency  
Response

Moved by Supervisor Arcularius and seconded by Supervisor Cash to ratify the Agreement between the County of Inyo and the California Department of Public Health for the provision of local public health emergency response phase III, in the amount of \$126,244 for the period of July 31, 2009 through June 30, 2010 and authorize the Health and Human Services Director to sign; and approve the Non-Supplantation Certification Form and authorize the Health and Human Services Director to sign. Motion carried unanimously.

Road Dept./2008  
Prop 1B Project List

The Board and Public Works Director discussed in detail the proposed changes to the 2007-08 Prop 1B Project list, as well as the 2008 Supplemental. Moved by Supervisor Cash and seconded by Supervisor Arcularius to approve the recommended changes to the 2007/2008 and the 2008 Supplemental Prop 1B Project Lists and authorize the Public Works Director to submit the amended project list to the State of California Department of Finance. Motion carried unanimously.

P.W./2008-09 Prop  
1B Project List

The Board and the Public Works Director discussed the recommendations for the 2008-09 Proposition 1B projects. Moved by Supervisor Fortney and seconded by Supervisor Cash to approve the recommended 2008/2009 Proposition 1B Project List and authorize the Public Works Director to submit the project list and required information to the State of California Department of Finance. Motion carried unanimously.

P.W./Sunland  
Bicycle Lanes

The Public Works Director provided additional information on the TE application for the Sunland Drive bicycle lanes as well as the ramifications of combining or not combining the project with the South Bishop STIP project. Staff explained that by not combining the projects the cost of the bicycle lanes would be approximately \$150,000 to \$200,000 higher, and it was the Department's recommendation that the projects be combined. Mr. Pedersen also explained that the Board's action on the previous item combined the projects. Supervisor Brown expressed a desire to see the bicycle lanes and the resurfacing projects completed but was concerned that combining the projects might delay the resurfacing project. A motion was made by Supervisor Cash and seconded by Supervisor Fortney to approve the bicycle lanes and not combine the project with the Sunland Drive resurfacing project. In further discussion of the Board it was determined that the motion allowed for the project to be funded at \$692,000 without taking into account that by not combining the project with the Sunland Drive resurfacing project, the bicycle project would cost between \$150,000 to \$200,000 more and the funding would need to be identified. The Board and staff discussed the magnitude of the delay to the resurfacing project should the projects be combined, with Supervisor Brown noting her support for combining the projects. The original motion was withdrawn. Moved by Supervisor Cash and seconded by Supervisor Fortney to approve the submittal of a TE application in the amount of \$692,000 for the installation of four feet wide bicycle lanes on Sunland Drive; authorize the project to be combined with the South Bishop resurfacing STIP project; and authorize the Public Works Director to sign all documents related to the submittal of this application. Motion carried unanimously.

Resol. #2009-58/  
Tecopa & Shoshone  
Landfill Patent  
Process

On a motion by Supervisor Arcularius and a second by Supervisor Cash, Resolution No. 2009-58 was approved authorizing the submittal of the application initiating the patent process and stipulating the County's intent to convert the ownership of the Shoshone and Tecopa landfills from Federal ownership to County ownership; and authorize the Director of Integrated Waste Management to sign all necessary application documents: motion unanimously passed and adopted.

CAO-Info Serv./  
Digital 395 Letter of  
Interest

Moved by Supervisor Cash and seconded by Supervisor Arcularius to approve the letter of interest in broadband services that will be provided through the Digital 395 Project; and authorize the Chairperson to sign. Motion carried unanimously.

CAO-Info Serv./  
Digital 395 Letter  
Re: In Kind Support

Mr. Brandon Shults, Information Services Director, provided the Board with a revised letter regarding in-kind support. Moved by Supervisor Cash and seconded by Supervisor Arcularius to approve the revised letter regarding the provision of in-kind support for the Digital 395 Project; and authorize the Chairperson to sign. Motion carried unanimously.

CAO-Info Serv./  
Sungard Public  
Sector License  
Agreement

Moved by Supervisor Arcularius and seconded by Supervisor Cash to approve the renewal of a support services agreement for licensed programs referred to as the JALAN Criminal Justice System from Sungard Public Sector, Inc., for the period of December 1, 2009 through November 30, 2010 in an amount not to exceed \$21,347; and authorize the Chairperson to sign contingent upon the appropriate signatures being obtained. Motion carried unanimously.

- BofS/Minute Approval Moved by Supervisor Arcularius and seconded by Supervisor Cash to approve the minutes of the December 1, 2009, Board of Supervisors Meeting. Motion carried unanimously.
- Grand Jury/Nov. 25 Letter Response The Board discussed the November 25, 2009 letter from the Grand Jury regarding the County's response to last year's Grand Jury Report. The Board took umbrage with many sections of the letter, including the reference made in the letter saying and inferring that the Board's conduct was unethical, that the Grand Jury expects a different result with regard to this year's Grand Jury Report, that the Grand Jury is informing the Board of Supervisors what it is discussing, or would like to discuss when it meets, that the Grand Jury's expectations with regard to the Board's future responses would be contrary to the Brown Act and illegal, and a concern with the Grand Jury corresponding directly with the Board on the response as opposed to through the Presiding Judge of the Superior Court which is the entity the Board's response is required by law to be provided to. Supervisor Cash said she wants the Grand Jury to retract the statements using the word "unethical." Board Members also expressed, both individually and collectively the concern that this Grand Jury displayed a total lack of understanding of the Board of Supervisor's responsibility to conduct its business and make decisions in an open and public forum. The Board continued to discuss the letter and their concerns, with the Board directing Supervisors Cash and Brown to work with Staff and County Counsel on a letter to Presiding Court Judge Dean Stout, concerning the Grand Jury's letter, to identify those items discussed, and authorize the Chairperson to sign.
- Board Members and Staff Reports The Board Members postponed their reports. The County Administrator briefly reported on the Forest Service's efforts regarding the development of a Forest Management Plan, noting that once again the County was not coordinated with prior to the agency moving forward.
- Closed Session The Chairperson recessed open session at 3:55 p.m., to reconvene in closed session to continue previously noted closed session items and Agenda Items No. 28. **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. 29. **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. 29A. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Pursuant to Government Code §54956.9(c) – Decision Whether to Initiate Litigation (one case).**
- Report on Closed Session The Chairperson recessed closed session at 4:55 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 regular meeting at 4:55 p.m., to 9:00 a.m., Tuesday, January 5, 2010, 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*