

MINUTES

County of Inyo Board of Supervisors

January 5, 2010

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, January 5, 2010, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Beverly Brown presiding, Linda Arcularius, Marty Fortney and Richard Cervantes. Supervisor Cash was absent. Supervisor Cervantes provided the Invocation, and Supervisor Arcularius led the Pledge of Allegiance.

Public Comment The Chairperson announced the public comment period. Ms. Debbie Hess of Southern California Edison, informed the Board that she was leaving the area because she was taking a Regional Manager position in the Antelope Valley and introduced her replacement Mr. Dan Brady to the Board. Ms. Hess went on to introduce Mr. Rick Phelps of the Eastern Sierra Energy Initiative who presented the Board Members with a memento of the Eastern Sierra Initiative project.

Department Reports The Chairperson announced the Department Report period. Ms. Amy Shepherd, Management Analyst in the Auditor-Controller's Office, updated the Board on the TEETER loan. She also informed the Board on the impact of reductions in the Philips Formula calculations and property tax assessments that will affect the FY 2010-2011 property tax revenue estimates, resulting in \$300,000 less in property tax revenue. Sheriff Lutze reported on a joint enforcement operation, which his Department conducted with the help of the California Highway Patrol on Sunday in the southeastern portion of the County on the illegal RV sewage dumping activities in the area. He provided the Board with arrest and citation statistics and notified the Board that a similar operation will be conducted during the President's Holiday weekend. Ms. Jean Turner, Director of Health and Human Services, informed the Board that the Director of the California Department of Aging would be a keynote speaker at the Inyo Associates Retreat this month in Death Valley. Ms. Turner also updated the Board on budget impacts and notified the Board that this year's donation from the Pillsbury Foundation was about half of what is usually donated. She explained that this was because the Foundation had received many more requests for assistance from organizations because of other funding sources being unavailable. The Public Works Director, Mr. Ted Pedersen, updated the Board on budget impacts, explaining that he will be monitoring efforts to bring back AB 1409 and gas tax deferrals. The Agricultural Commission, Mr. George Milovich updated the Board on the status of some of the State's agriculture concerns.

BofS/Election of Officers The Chairperson turned the meeting over to the Assistant Clerk of the Board who conducted the annual election of officers. The Clerk called for nominations for Chairperson. Supervisor Arcularius nominated Supervisor Richard Cervantes, and Supervisor Fortney seconded the nomination. The Clerk closed the nominations and called for a vote to elect. Supervisor Cervantes was unanimously elected Chairperson of the Board of Supervisors for Calendar Year 2010, with Supervisor Cash absent.

The Clerk called for nominations for Vice-Chairperson. Supervisor Arcularius nominated Supervisor Susan Cash and Supervisor Brown seconded the nomination. The Clerk closed the nominations and called for a vote to elect. Supervisor Cash was unanimously elected Vice-Chairperson of the Board of Supervisors for Calendar Year 2010, with Supervisor Cash absent. The Clerk turned the meeting back over to the incoming Chairperson.

Emerg. Serv./Oak Creek Emerg. Continued Moved by Supervisor Brown and seconded by Supervisor Arcularius to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously, with Supervisor Cash absent.

District-Indy Cemetery Board Appointment Moved by Supervisor Brown and seconded by Supervisor Arcularius to reappoint Mr. Perry White to the Independence Cemetery District Board of Trustees to complete a four-year term ending January 31, 2014. Motion carried unanimously, with Supervisor Cash absent.

Ag. Comm./Ag Advisory Board Appointment	Moved by Supervisor Brown and seconded by Supervisor Arcularius to approve the reappointment of Tawni Thomson as the Chamber of Commerce Representative to the Agriculture Resource Advisory Board to serve one-year of a three-year rotating term ending on August 22, 2012. Motion carried unanimously, with Supervisor Cash absent.
Ag. Comm./Ag Advisory Board Appointment	Moved by Supervisor Brown and seconded by Supervisor Arcularius to reappoint Jim Tatum as the Tri-County Fair Board Chair Representative to the Agriculture Resource Advisory Board to complete an unexpired three year-term ending August 22, 2012. Motion carried unanimously, with Supervisor Cash absent.
Ag. Comm./Ag Advisory Board Appointment	Moved by Supervisor Brown and seconded by Supervisor Arcularius to reappoint Gary Giacomini as the designee for the President of the Inyo/Mono Cattleman's Association Representative to the Agriculture Resource Advisory Board to complete an unexpired three-year term ending August 22, 2012. Motion carried unanimously, with Supervisor Cash absent.
Ag. Comm./Ag Advisory Board Appointment	Moved by Supervisor Brown and seconded by Supervisor Arcularius to reappoint William Talbot as the Los Angeles Department of Water and Power Lessee Representative to the Agriculture Resource Advisory Board to complete an unexpired three-year term ending August 22, 2012. Motion carried unanimously, with Supervisor Cash absent.
Ag Comm./Ag Advisory Board Appointment	Moved by Supervisor Brown and seconded by Supervisor Arcularius to appoint Dave Doonan as the Resource Conservation District Chair Representative to the Agriculture Resource Advisory Board to complete an unexpired three-year term ending August 22, 2012. Motion carried unanimously, with Supervisor Cash absent.
HHS-Behavioral Hlth./Charis Youth Center Contract	Moved by Supervisor Brown and seconded by Supervisor Arcularius to ratify and approve the Contract between the County of Inyo and Charis Youth Center for the provision of mental health placement services for the period of November 12, 2009 through June 30, 2010, in an amount not to exceed \$35,000; and authorize The Chairperson to sign. Motion carried unanimously, with Supervisor Cash absent.
HHS-Behavioral Hlth./Crestwood Contract	Moved by Supervisor Brown and seconded by Supervisor Arcularius to approve Amendment No. 1 to the Contract between the County of Inyo and Crestwood Behavioral Health, Inc., for residential placement of adults in a locked facility and Mental Health Rehabilitation Centers increasing the amount of the Contract by \$10,000 to a total amount not to exceed \$40,000 for the period of July 1, 2009 through June 30, 2010; and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Cash absent.
HHS-Behavioral Hlth./Vista Pacifica Contract Amendment	Moved by Supervisor Brown and seconded by Supervisor Arcularius to approve Amendment No. 1 to the Contract between the County of Inyo and Vista Pacifica Center for residential placement of adults in a locked facility, increasing the Contract amount by \$10,000 to a total amount not to exceed \$40,000 for the period of July 1, 2009 through June 30, 2010; and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Cash absent.
HHS-Behavioral Hlth./Davis Guest Home Contract	Moved by Supervisor Brown and seconded by Supervisor Arcularius to ratify and approve the Contract between the County of Inyo and Davis Guest Home for the provision of mental health placement services in an amount not to exceed \$17,000 for the period of November 15, 2009 through June 30, 2010; and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Cash absent.
HHS-Mental Hlth./SELPA Agreement	Moved by Supervisor Brown and seconded by Supervisor Arcularius to ratify and approve the Interagency Agreement between the Inyo County Special Education Local Plan (SELPA) and Inyo County Behavioral Health to meet the requirements of the Individuals with Disabilities Improvement Education Act for the period of three years, beginning January 1, 2009; and authorize the Director of Behavioral Health Services to sign. Motion carried unanimously, with Supervisor Cash absent.
HHS-Mental Hlth./PATHS Program Contract	Moved by Supervisor Brown and seconded by Supervisor Arcularius to declare the Inyo County Superintendent of Schools a sole source provider of PATHS program services and ratify and approve the Contract between the County of Inyo and the Inyo County Superintendent of Schools for the implementation of the Mental Health Services Act (MHSA) Prevention Early Intervention (PEI) Program, Promoting Alternative Thinking Strategies (PATHS), for the period of November 1, 2009 through June 30, 2011, in an amount not to exceed \$117,300, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Cash absent.

P.W./Shoshone Airport Property Donation Moved by Supervisor Brown and seconded by Supervisor Arcularius to re-accept an offer of real property (Shoshone Airport) from Charles Sorrells; authorize the Clerk of the Board to sign the certificate of acceptance; and authorize staff to record the deed for the parcel. Motion carried unanimously, with Supervisor Cash absent.

Sheriff/Ammunition P.O. Moved by Supervisor Brown and seconded by Supervisor Arcularius to declare Dooley Enterprises, Inc., a sole-source provider of ammunition and approve the purchase of ammunition as recommended by Staff from Dooley Enterprises, Inc., in an amount not to exceed \$18,000, including tax and shipping. Motion carried unanimously, with Supervisor Cash absent.

D.A./Stimulus Combating Rural Crime Grant Ms. Janet Poole of the District Attorney's Office provided additional information and further justification for the Board to accept a Federal stimulus grant. The County Administrator requested that the motion, should the Board approve this request, reflect that the reporting requirements associated with this grant is the responsibility of the District Attorney's Office. Additionally, Supervisor Arcularius requested that the Board receive a copy of the year-end report for this grant. Moved by Supervisor Arcularius and seconded by Supervisor Fortney to A) approve the creation of the Combating Rural Crime Federal Stimulus Grant Budget Unit (Budget Unit number to be assigned by Auditor-Controller); and B) amend the FY 2009-2010 County Budget by taking the following actions in the Combating Rural Crime Federal Stimulus Grant Budget: increase estimated revenue in Aid from Other Government Agencies (*Revenue Code #4555*) by \$55,000 and increase appropriations in Internal Charges (*Object Code #5121*) by \$43,334, General Operating Expense (*Object Code #5311*) by \$873, Travel Expense (*Object Code #5331*) by \$4,234, and Utilities (*Object Code #5351*) by \$6,559, and further direct that the reporting requirements for this grant are the responsibility of the District Attorney's Office. Motion carried unanimously, with Supervisor Cash absent.

HHS-Behavioral Hlth./Addictions Program Positions Moved by Supervisor Arcularius and seconded by Supervisor Brown to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the positions exists, as certified by the Director of Health and Human Services and concurred with by the County Administrator and the Auditor-Controller; B) where internal candidates meet the qualifications for the positions, the vacancy could possibly be filled through an internal recruitment, but an open recruitment would be more appropriate to ensure qualified applicants apply; and C) approve the hiring of one Addictions Program Supervisors, at Range 70 (\$4,138 - \$5,032) and one temporary A-PAR Addictions Counselor I at Range 057PT (\$16.33 - \$19.84) or II at Range 60PT (\$17.53 - \$21.29), 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, with Supervisor Cash absent.

HHS-Behavioral Hlth./Psycho-Therapist 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 the position exists, as certified by the Director of Health and Human Services and concurred with by the County Administrator and the Auditor-Controller; B) where internal candidates meet the qualifications for the position, the vacancy could possibly be filled through an internal recruitment, but a list has already been established through an open recruitment; and C) approve the hiring of one Social Worker IV at Range 69 (\$4,041 - to \$4,904) or Psychotherapist at Range 78 (\$4,4997 - \$6,074) 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, with Supervisor Cash absent.

HHS-First 5 Comm./HHS Specialist Position Moved by Supervisor Brown and seconded by Supervisor Fortney to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the position exists, as certified by the Director of Health and Human Services and concurred with by the County Administrator and the Auditor-Controller; B) where internal candidates meet the qualifications for the position, the vacancy could possibly be filled through an internal recruitment; and C) approve the hiring of one B-PAR HHS Specialist at Range 053PT (\$14.89 - \$18.12/hour) 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, with Supervisor Cash absent.

P.W./Bishop Airport Easement Agreement The County Administrator provided additional information and further justification for the request to approve an easement lease for the Bishop Airport. He thanked the Planning Director, Mr. Mike Conklin, for his help in facilitating this alternative that should provide the County with the necessary documentation to secure continued federal aviation funds for Airport projects. He also informed the Board that this Agreement would have to be approved by the DWP Commissioners and the Los

Angeles City Council. Supervisor Arcularius requested that Public Works Staff schedule a workshop on potential projects and funding sources for those projects, in order to be ready to proceed with improvements at the airport when the lease is finalized. Moved by Supervisor Brown and seconded by Supervisor Fortney to approve an Easement Agreement between the County of Inyo and the City of Los Angeles Department of Water and Power for property located at the Eastern Sierra Regional Airport; authorize the Chairperson to sign; and direct Staff to schedule a workshop regarding a work plan for the Bishop Airport. Motion carried unanimously, with Supervisor Cash absent.

- BofS/Minute Approval The Clerk requested clerical corrections on the December 15, 2009 minutes as follows: second page, last paragraph, seventh line change "estimate" to "estimated" and page four, third paragraph, first line change "Board Member" to "Board Members. Moved by Supervisor Brown and seconded by Supervisor Arcularius to approve the minutes of the December 15, 2009, Board of Supervisors Meeting as amended. Motion carried unanimously, with Supervisor Cash absent. *(The Board's motion did not include the minutes of December 8, 2009, which will be reagendaized for approval.)*
- 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, except Supervisor Cash.
- Board Members and Staff Reports The Board Members reported on their activities during the preceding weeks, including an Agricultural Livestock Project Update Meeting, information regarding flooding at the Mt. Whitney Fish Hatchery as a result of a clogged culvert, which resulted in a brief closure of the Hatchery and resolution of the problem by the County so that this does not occur again, with Supervisor Fortney praising Mr. Ted Pedersen, Inyo County Public Works Director, who was instrumental in getting this problem resolved quickly and commending Mr. Pedersen for a job well done, an RCRC Board of Directors Meeting, including a legislative update, a report that there are studies being performed on a chemical that can kill the quagga and zebra mussels without harming other aquatic species, an Alabama Stewardship Group Meeting, and a constituent meeting regarding the possibility of establishing a youth center at the Lone Pine Park.
- Closed Session The Chairperson recessed open session at 10:35 a.m., to convene in closed session, with all Board Members present, except Supervisor Cash, to discuss and take action as appropriate on Agenda Item No. 26. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Pursuant to Government Code §54956.9(a) – Inyo Citizens for Better Planning v. Inyo County; Inyo County Board of Supervisors et al – Court of Appeal, 4th District Division Two, Riverside County Case No. E046646 (Inyo County Superior Court Case No. SICVPT05-38164).** The Chairperson recessed closed session at 11:45 a.m., to reconvene in open session to receive a report on closed session.
- Public Comment Prior to the report on closed session, the Chairperson announced the second public comment period and there was no one from the public wishing to address the Board.
- 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 11:45 a.m., to 9:00 a.m., Tuesday, January 12, 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