

MINUTES

County of Inyo Board of Supervisors

January 19, 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 19, 2010, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Richard Cervantes presiding, Linda Arcularius, Susan Cash, Beverly Brown, and Marty Fortney. Supervisor Cervantes provided the Invocation, and Supervisor Arcularius led the Pledge of Allegiance.

- Public Comment The Chairperson announced the public comment period and read into the record a statement concerning the state of California's budget situation and fiscal crisis.
- County Department Reports The Chairperson announced the County Department Report period. Sheriff Lutze updated the Board on a meeting between various unified command members, concerning being prepared for the upcoming storms. Ms. Jean Turner, Director of Health and Human Services, also updated the Board on her Department being prepared for situations arising from the upcoming storms. Ms. Turner also briefly updated the Board on State budget impacts. The Deputy County Administrator, Mr. Chuck Hamilton, provided information concerning the location of sand and sand bags. Supervisor Arcularius requested an update on the status of the Prop 40 funds. Mr. Hamilton told the Board that the State will only reimburse the County for funds expended and they have told him once the environmental work on the Tecopa Sewage Lagoon Project is complete, to send the appropriate paperwork and a check will be cut. Supervisor Arcularius requested Mr. Hamilton keep Senator Ashburn's office updated on these funds.
- BofS/Committee Appointments Moved by Supervisor Brown and seconded by Supervisor Fortney to approve the 2010 Board of Supervisors committee assignments as recommended by the Chairperson, Supervisor Richard Cervantes. Motion carried unanimously.
- Emerg. Serv./Mud Flow Cont'd. Moved by Supervisor Brown 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/ Nielsen P. O. Moved by Supervisor Brown and seconded by Supervisor Fortney to declare Nielsen's Equipment Maintenance of Mammoth Lakes, California a sole-source provider of Sheriff vehicle safety and communications equipment and approve the purchase of services from Nielsen's Equipment Maintenance to equip six patrol vehicles in the amount of \$43,318.87. Motion carried unanimously.
- P.W./RMT Contract Amendment Moved by Supervisor Brown and seconded by Supervisor Fortney to ratify and approve Amendment No. 7 to the Contract between the County of Inyo and RMT for environmental consulting services for the Tecopa Hot Springs Park Sewage Pond Repair Project, increasing the total contract amount from \$348,000 to \$413,000; and authorize the Public Works Director to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
- Sheriff/Eastern Sierra Motors P.O. Moved by Supervisor Brown and seconded by Supervisor Fortney to approve the purchase of one Ford Crew Cab Pickup from Eastern Sierra Motors, Inc., in an amount not to exceed \$33,317.04. Motion carried unanimously.
- D.A./Change in Authorized Strength The District Attorney, Mr. Art Maillet, provided additional information and explanation for the recommended changes to his Department's authorized strength. He said that the Office Assistant position he is requesting be changed to a Legal Secretary position is because the position is now being paid out of class because the person is doing the work and expected to do the work of a Legal Secretary. He said that if the Board does not authorize the change, he would continue to pay the position out of class pay. Supervisor Cash explained that she has concern with approving this change since the Board has not authorized any of the other similar changes requested by Departments at or since budget hearings. The District Attorney continued to advocate for the change, with the Board maintaining its reticence in setting a precedence. Supervisor Arcularius asked that the District Attorney and the Health and Human Services Department schedule a workshop with the Board on the impacts to Inyo County of the proposed changes in the prison system.

Moved by Supervisor Cash and seconded by Supervisor Brown to find that consistent with the adopted Authorized Position Review Policy (a) the availability of funding for the requested positions come from the General Fund, as certified by the District Attorney and concurred with by the County Administrator and Auditor-Controller; and (b) approve the recruitment and hiring of one Administrative Legal Secretary at Range 70 (\$4,138 – \$5,032); 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.

Moved by Supervisor Fortney and seconded by Supervisor Cash to deny the request to approve a change in the authorized strength in the District Attorney's Office by deleting one full time Office Assistant II position at Range 46 (\$2,358 - \$2,877) and adding one Legal Secretary I position at Range 54 (\$2,840 - \$3,454) effective March 31, 2010. Motion carried unanimously.

Moved by Supervisor Cash and seconded by Supervisor Arcularius to find that consistent with the adopted Authorized Position Review Policy (a) the availability of funding for the requested positions come from the General Fund, as certified by the District Attorney and concurred with by the County Administrator and Auditor-Controller; and (b) approve the recruitment and hiring of one Office Assistant II at Range 46 (\$2,358 - \$2,877); 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/EIS on
Forest System Land
Management Rule

Mr. Josh Hart, Senior Planner, reviewed the proposed letter to the Forest Service on the notice of Intent to prepare the Environmental Impact Statement for the Forest System Land Management Planning Rule. The Board and Mr. Hart reviewed the letter in detail with the Board asking the letter include information on the sustainable yield of the forest as being the primary reason why the National Forests were established, maintaining a fire safe and healthy forest, and include a renewable energy component. Mr. Hart indicated that he would make the appropriate changes to the letter and asked that the Board approve the letter as amended. The Board also requested that the letter be sent to RCRC, CSAC and NACo. Moved by Supervisor Brown and seconded by Supervisor Cash to approve the correspondence to the Department of Agriculture, National Forest Service regarding the Notice of Intent (NOI) to Prepare an Environmental Impact statement (EIS) for the National Forest System Land Management Planning Rule, as amended and authorize the Chairperson to sign. Motion carried unanimously.

Recess/
Reconvene

The Chairperson recessed the regular meeting at 10:20 a.m., to reconvene at 10:30 a.m., in open session, with all Board Members present.

Ord. #1150/ Changes
in Title 18 of the
Inyo County Code

On a motion by Supervisor Fortney and a second by Supervisor Cash, Ordinance 1150, titled "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Amending Section 18.78.280 of the Inyo County Code and Adding Section 18.78.285 to Title 18 of the Inyo County Code," was adopted: motion unanimously passed and adopted.

Ord. #1151/Z.R.
2009-05/C.G.
Roxane

On a motion by Supervisor Cash and a second by Supervisor Fortney, Ordinance 1151, titled ""An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Approving Zone Reclassification No. 2009-05/C.G. Roxane and Amending the Zoning Map of the County of Inyo by Rezoning a 2.38-acre site (APN 033-470-03), which is adjacent (on the south) to the Existing C.G. Roxane Water Bottling Plant Located South of Cartago, From Rural Residential (RR) to Light Industrial (M-2)," was adopted: motion unanimously passed and adopted.

Sheriff/Corporal
Deputy and
Correctional Officer
Positions

Moved by Supervisor Cash and seconded by Supervisor Arcularius to find that consistent with the authorized Position Review Policy A) the availability of funding for the requested position comes from the General Fund, as certified by the Sheriff, and concurred with by the County Administrator and Auditor-Controller; B) approve the internal recruitment and filling of one Corporal position at Safety Range 70 (\$4,443 - \$5,648); C) approve the open recruitment and hiring of one Deputy Sheriff position at Safety Range 67 (\$3,948 – \$5,145); and D) approve the open recruitment and hiring of two Correctional Officer positions at Range 64 (\$3,590 – \$4,363). Motion carried unanimously.

Res. #2010-03/
Investment Authority

The Treasurer-Tax Collector, Ms. Alisha McMurtrie, explained that the Board may, on a yearly basis, delegate its investment authority to the Treasurer. On a motion by Supervisor Cash and a second by Supervisor Arcularius, Resolution No. 2010-03 was approved delegating investment authority to the Inyo County Treasurer: motion unanimously passed and adopted.

Treasurer/Invest-
Board of Supervisors MINUTES

The Treasurer-Tax Collector, Ms. Alisha McMurtrie, reviewed the proposed Investment Policy, noting that no

ment Policy	changes to the policy are being recommended. Moved by Supervisor Cash and seconded by Supervisor Arcularius to approve the Inyo County Treasury Investment Policy as submitted. Motion carried unanimously.
Water/LORP Annual Work Plan	The Water Director, Dr. Bob Harrington, reviewed the LORP Annual Work Plan, as well as the budget. He explained that the Technical Group would be discussing the LORP at its upcoming meeting on Thursday, along with the agenda items to be included on the Standing Committee Agenda. Dr. Harrington and the Board discussed those agenda items as recommended, with Dr. Harrington explaining that he would be returning next week with an Agenda for the February 11, 2010 Standing Committee Meeting to receive the Board's direction to the Standing Committee representatives on those items.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 10:55 a.m., to reconvene in open session at 11:00 a.m., with all Board Members present.
Resol. #2010-04/ Amending Base Recorder Fee	The Chairperson opened the public hearing at 11:00 a.m., on a resolution authorizing the Clerk-Recorder to increase the Base Recording fee from \$4.00 to \$10.00. The Clerk-Recorder, Ms. Mary Roper, provided additional information and further justification for the proposed fee increase. She explained that the law changed this year to allow for the increased fee. Ms. Roper and the Board discussed the proposed increase, with Ms. Roper explaining that the hourly rate reflected in the time study for a County employee was not the benefited wage. The Board and the Clerk continued to discuss the proposed increase. There was no one wishing to address the Board to support or oppose this fee increase. The Chairperson closed the public hearing at 11:05 a.m. On a motion by Supervisor Arcularius and a second by Supervisor Cash, Resolution No. 2010-04 titled "Resolution of the Inyo County Board of Supervisors Amending the Base Recording Fee of the Clerk-Recorder's Office," was approved: motion unanimously passed and adopted.
Board Members and Staff Reports	The Board Members reported on their activities during the preceding week, including an ESTA Meeting, an Inyo First Five Commission Meeting, notification that Kern County is considering an item requesting support for legislation which would provide that lesser populated counties could control local volunteer fire departments, the Inyo Associates Death Valley Meeting, a meeting with representatives of Senator Ashburn's office, a meeting with Zantera, an upcoming LTC Meeting, an RCRC Board of Directors Meeting including a legislative update, an Alabama Stewardship Group Meeting, an update on a meeting with Sarah Craighead the new Superintendent of Death Valley National Park, on County access to Saline Valley Burrow Pit, and a meeting with Bob Hauter of Congressman McKeon's office.
Public Comment	The Chairperson announced the second public comment period and there was no one wishing to address the Board
Closed Session	The Chairperson recessed open session at 12:00 p.m., to convene in closed session, with all Board Members present to discuss and take action as appropriate on Agenda Items No. 18. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Pursuant to Government Code §54956.9(a) – Avocet Tungsten, Inc. v. County of Inyo, Inyo County Superior Court Case No. CVPT-05-38112; No. 19. 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. 20. 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. 21. 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. 22. 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. 23. 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 1:20 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 1:20 p.m., to 9:00 a.m., Tuesday, January 26, 2010, in the Board of Supervisors Room, at the County Administrative Center, in Independence.

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

by: _____
Patricia Gunsolley, Assistant

Chairperson, Inyo County Board of Supervisors