



County of Inyo Board of Supervisors

January 26, 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 26, 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 Fortney led the Pledge of Allegiance.

Public Comment The Chairperson announced the public comment period and there was no one wishing to address the Board.

**Post Agenda/
Avalanche Control
So. Bishop Creek** County Counsel asked for consideration of a Post Agenda Item. He explained that because of a potential avalanche threat to the South Lake area of Bishop Creek caused by the recent storms, there is a need for the Board to consider approving a contract with Caltrans for avalanche control in the area. Moved by Supervisor Arcularius and seconded by Supervisor Cash to find that due to the recent storms a danger of avalanche was identified in the South Lake area of Bishop Canyon after the Agenda for today's meeting was posted, and there is a need for the Board to consider avalanche control actions prior to the next regularly scheduled meeting, therefore the request to consider an Agreement to authorize Caltrans to perform avalanche control in the area is added as Agenda Item No. 22A. Motion carried unanimously.

**Sheriff/Avalanche
Control Hold
Harmless
Agreement** Sheriff Bill Lutze and Mr. Randy Keller, County Counsel, explained that because of the snow that has accumulated in the Bishop Creek Area as a result of the recent storms, yesterday, the Eastern Sierra Avalanche Center determined there is a serious avalanche danger in the South Lake area of Bishop Canyon. They told the Board that Caltrans is willing to perform avalanche control measures in the area only if the County will fully indemnify the State for any damage as a result of their avalanche control activities. Mr. Keller explained that the State is requiring an Indemnity Agreement be signed before the work begins. The Public Works Director, Mr. Ted Pedersen, informed the Board that the County road crews doing snow removal on South Lake Road have been recalled because of the potential for avalanche. The Board and Staff discussed the need to provide Staff the ability to provide emergency avalanche control for this event and in the future without having Board approval of every request. Moved by Supervisor Arcularius and seconded by Supervisor Cash to approve an Indemnification and Hold Harmless Agreement between the County of Inyo and Caltrans to indemnify and hold Caltrans harmless for avalanche control activities requested by the County, through the County Administrator, with the concurrence of the Sheriff and the Public Works Director; and authorize the Chairperson to sign the agreement.

**County Department
Reports** The Chairperson announced the County Department Report period. The Assistant Clerk-Recorder, Ms. Kammi Foote, informed the Board a number of the environmental documents which are required to be filed with the Clerk's Office are now available on the County's web page. Supervisor Cash asked if the web page could reference environmental files as opposed to documents. Dr. Bob Harrington, Water Director, reported on an incident at the Black Rock Fish Hatchery, where water flows were impacted resulting in a fish kill. Dr. Harrington said the Technical Committee would discuss the incident at their upcoming meeting. Ms. Jean Turner, Director of Health and Human Services, updated the Board on her Department's shelter activities associated with last weekend's storms. Ms. Turner went on to report that there has been a 56% increase in General Assistance cases over the last year. Mr. Ted Pedersen, Public Works Director, addressed the Board to recognize the outstanding work of the County's Public Works Staff and Road Crews during the recent storms, saying they did a great job and conveying how proud he was of his staff. Supervisor Cervantes concurred by saying they did a great job in south County. The Sheriff reported on storm incidents by explaining that the brunt of the Storm in Inyo County was in south County. He said that because of icy road conditions they had over 25 accidents (minor to moderate injuries) in the Olancha area and that Highway 190 was closed from Stovepipe Wells to Highway 127 due to flooding.

Introduction	Dr. Bob Harrington, Water Director, introduced Ms. Meredith Jabis, Vegetation Scientist to the Board.
Introduction/BLM Field Office Manager	The County Administrator, Mr. Kevin Carunchio, introduced Ms. Bernadette Lavato, Bureau of Land Management (BLM), Bishop Field Office Manager, to the Board. Ms. Lavato addressed the Board to say how happy she was to have the opportunity to live and work in the Eastern Sierra and reviewed some of the BLM local activities.
Emergency Serv./Mud Flows Cont'd.	Moved by Supervisor Fortney and seconded by Supervisor Cash to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.
Fish & Wildlife/Commission Secretary Services	Moved by Supervisor Fortney and seconded by Supervisor Cash to authorize the payment of \$200 per month for the secretary of the Inyo Fish and Wildlife Commission, to be paid from the Inyo Fish and Game Budget Unit 024200 as allowed by California Fish and Game Code §13100. Motion carried unanimously.
HHS-Mental Hlth. Serv./Loma Linda Medical Center Payment	Moved by Supervisor Fortney and seconded by Supervisor Cash to approve the payment in the amount of \$32,502.28 to Loma Linda Medical Center for mental health inpatient services for an Inyo County Medical Beneficiary who was placed under Welfare and Institutions Code (WIC) 5150 that subsequently resulted in an LPS Conservatorship. Motion carried unanimously.
HHS-Inyo First 5/Office of Ed School Readiness Contract	Moved by Supervisor Fortney and seconded by Supervisor Cash to approve the Contract between the County of Inyo and the Inyo County Superintendent of Schools Child Development Division for School Readiness Services in an amount not to exceed \$21,000, for the period of January 1, 2010 through June 30, 2010, and authorize the Chairperson to sign. Motion carried unanimously.
Resol. #2010-05/Completion Notice Echo Canyon Well	On a motion by Supervisor Fortney and a second by Supervisor Cash, Resolution No. 2010-05 was approved accepting the improvements and authorizing the recording of a Notice of Completion for the Echo Canyon Well Drilling Project: motion unanimously passed and adopted.
Planning-Yucca Mt./Geoscience Consultants Contract Amendment	Moved by Supervisor Fortney and seconded by Supervisor Cash to A) approve Amendment No. One to the Contract between the County of Inyo and Geoscience Consultants for volcanic hazard studies and providing assistance to Inyo County's legal counsel in support of the County's petition to intervene in the Yucca Mountain license hearing, extending the Contract expiration date to December 31, 2010, increasing the Contract to an amount not to exceed \$77,494.50, contingent upon the Board's adoption of future budgets, and changing the Scope of Work and Schedule of Fees; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
P.W.-Airports/NOAA License Agreement of ASOS	Moved by Supervisor Fortney and seconded by Supervisor Cash to approve the License Agreement with the United States Department of Commerce, National Oceanic and Atmospheric Administration (NOAA) for the continued operations of the Automated Surface Observing System (ASOS) at the Eastern Sierra Regional Airport for the term of 15 years. Motion carried unanimously.
Water Dept./Henderson Contract Amendment	Moved by Supervisor Fortney and seconded by Supervisor Cash to approve Amendment No. 1 to the Contract between the County of Inyo and Mrs. Amy Henderson for continued professional biologist services, extending the term of the Contract from February 5, 2010 to March 31, 2010; and authorize the Chairperson to sign. Motion carried unanimously.
HHS-Misc./Position Request	Moved by Supervisor Arcularius and seconded by Supervisor Cash to find that consistent with the adopted Authorized Position Review Policy A) the availability of funding for the requested position 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 an open recruitment would be more appropriate to ensure qualified applicants apply; C) approve the hiring of one BPAR Program Services Assistant I at Range 39PT (\$10.80 - \$13.12/hour) or II at Range 42PT (\$11.55 to \$14.05/hour) depending upon qualifications; and D) should the recruitment result in a current APAR Program Services Assistant moving to the BPAR position, authorize the backfilling of the APAR position, 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.

Probation/Position Request	Moved by supervisor Cash and seconded by Supervisor Fortney to find that consistent with the adopted Authorized Position Review Policy A) the availability of funding for the requested position comes from the General Fund, as certified by the Chief Probation Officer 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 an open recruitment would be more appropriate to ensure qualified applicants apply; and C) approve the hiring of a Group Counselor I 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.
Water Dept./Agenda Standing Committee Mtg. Agenda	Dr. Bob Harrington, Water Director, provided a briefing on the January 21, 2010 Technical Group Meeting and reviewed the agenda items developed by the Technical Group for the February 11, 2010 Standing Committee Meeting. The Board discussed the items with Dr. Harrington in detail and at length and provided direction to the County's Standing Committee Representatives on those items.
Recess/Reconvene	The Chairperson recessed the regular meeting at 10:05 a.m., to reconvene at 10:20 a.m., in a workshop with all Board Members present.
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Planning/CA Desert Protection Act of 2010 Workshop	The Board convened in a workshop with Planning Department Staff regarding the regarding proposed California Desert Protection Act of 2010 and provided direction to staff to draft correspondence to Senator Feinstein regarding the proposed Act for Board consideration at a future date. The Chairperson recessed the workshop at 11:30 a.m.
Planning/State Landscape Ord. Workshop	The Board convened at 11:40 a.m., in a workshop, with all Board Members present to receive information on and to discuss the impact of the State's Model Landscape Water Efficiency Ordinance. The Chairperson recessed the workshop at 12:05 p.m., to reconvene in open session.
Recess/Reconvene	The Chairperson recess the regular meeting at 12:05 p.m., to reconvene at 1:00 p.m., in open session, with all Board Members present.
Fish & Wildlife/3-G Reg. Changes	Supervisor Fortney provided a revised copy of the draft letter to the Department of Fish and Game supporting changes to the regulations for the G-3 Special Deer Hunt (Goodale). He said the G-3 Zone is small and there were originally 25 draw tags for the hunt, which is known as a "Trophy Hunt." He said over the years the number of draw tags was increased to 35 along with the addition of hunters from the Governor's auction tags, who bring friends and family. He said the increase in hunters has resulted in smaller bucks and a reduction in the quality of the bucks. Supervisor Fortney explained that if the number of tags are reduced for the area it will allow the herds to recover. He also explained that by increasing the area of the hunt it will disperse the hunting pressure on the herd. Supervisor Cervantes expressed his reservations on approving the letter. Moved by Supervisor Fortney and seconded by Supervisor Cash to approve the letter to the California Department of Fish and Game supporting changes in the regulations for the G-3 Special Deer Hunt in Inyo County, as revised. Motion carried unanimously.
Grand Jury/Follow Up Response to 2008-09 Report	The County Administrator reviewed the letter to Judge Lamb, conveying the follow-up to the County's response to the 2008-09 Grand Jury Final Report. Moved by Supervisor Arcularius and seconded by Supervisor Cash to approve the letter to Judge Brian Lamb, Presiding Judge, Inyo County Superior Court, providing follow-up to the County's response to a recommendation in the 2008-2009 Grand Jury Final Report, and authorize the County Administrator to sign and transmit the letter. Motion carried unanimously.
BofS/Minute Approval	The Assistant Clerk asked that the minutes of January 12, 2010 be approved as amended on page three paragraph five to read as follows "(e) Sunland Drive Bicycle Lanes – the project amounts are slightly different then those shown and the design component will be changed from 12/2013 to 11/2012 – Construction = \$620,000, PS&E = \$62,000, and environmental will be \$50,000." Moved by Supervisor Cash and seconded by Supervisor Fortney to approve the minutes of the January 12, 2010 Board of Supervisors Meeting as amended. Motion carried unanimously.

P.W./Pavement Management System Workshop	The Chairperson recessed open session at 1:25 p.m., to convene in a workshop, with all Board Members present, on the implementation of the Pavement Management System and receive an update on the recently released California Statewide Local Streets and Roads Needs Assessment. The Chairperson recessed the workshop at 2:05 p.m., to reconvene in open session.
Resol. #2010-06/ Support CA Local Streets and Roads Needs Assessment	On motion by Supervisor Cash and a second by Supervisor Fortney, Resolution No. 2010-06 was approved, supporting the California Statewide Local Streets and Roads Needs Assessment: motion unanimously passed and adopted. Moved by Supervisor Cash and seconded by Supervisor Fortney to approve the letter forwarding Resolution #2010-06 to Governor Schwarzenegger, Senator Ashburn, and Assemblywoman Conway; and authorize the Chairperson to sign. Motion carried unanimously.
Planning/NPS Invitation for Cooperating Agency Status	The County Administrator, Mr. Kevin Carunchio, provided additional information and further explanation on the letter to the Board from the National Park Service inviting Inyo County to be formally designated a cooperating agency for the purpose of preparing a Wilderness and Backcountry Management Plan for Death Valley. The Board, Mr. Carunchio and Planning Department staff discussed what the designation entails, the impact of being designated a cooperating agency on negotiations for access to the borrow pits in the area, as well as what type of fiscal resources might be expected if the County is designated. The Board and staff continued to discuss the request, with the Board directing the County Administrator to contact the Death Valley Superintendent, to notify her of the County's interest in being designated a cooperating agency, but that the Board will need further information regarding the NPS expectation of what that participation will entail and informing the Superintendent that a letter will be forthcoming from the Inyo County Planning Department concerning the further information that is required.
Public Comment	The Chairperson announced the second public comment period. Supervisor Fortney requested that today's meeting be adjourned in the memory of his grandmother, Evelyn Taylor, who passed away last week.
Closed Session	The Chairperson recessed open session at 2:30 p.m., to convene in closed session, with all Board Members present, to discuss and take action as appropriate on Agenda Items No. 25. PERSONNEL (Pursuant to Government Code §54957) - Public Employee Appointment – Title – Planning Director; and No. 26. REAL PROPERTY NEGOTIATIONS (Conference with Real Property Negotiators Pursuant to Government code Section 54956.8) – Property – Independence Courthouse – 168 No. Edwards – Independence, CA – Negotiating Parties – Administrative Office of the Courts (AOC) and Inyo County – Negotiations – Lease Price and Terms. The Chairperson recessed closed session at 3:30 p.m.
Recess/ Reconvene	The Chairperson announced that today's meeting was being continued to tomorrow, Wednesday, January 27, 2010 at 9:00 a.m., in the Board of Supervisors Room, at the County Administrative Center, in Independence, to continue closed session discussions and action as may be appropriate on Agenda Item No. 25. PERSONNEL (Pursuant to Government Code §54957) - Public Employee Appointment – Title – Planning Director. The Chairperson recessed the regular meeting at 3:30 p.m., to reconvene in closed session on Wednesday, January 27, 2010, at 3:15 p.m., in the Board of Supervisors Room, at the County Administrative Center, in Independence.
Closed Session	The Board met in closed session to continue its discussion on Agenda Item No. 25. Agenda Item No. 25. PERSONNEL (Pursuant to Government Code §54957) - Public Employee Appointment – Title – Planning Director.
Report on Closed Session	The Chairperson recessed closed session at 3:30 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 Supervisor Marty Fortney's grandmother, Ms. Evelyn Taylor, a longtime resident of Inyo County. The Chairperson adjourned the meeting a 3:30 p.m., to 9:00 a.m., Tuesday, February 2, 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*