

## February 2, 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, February 2, 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. Mr. Duane Rossi, Big Pine Resident, addressed the Board to comment on the letter the Board sent to DFG concerning the G-3 Hunt. He supported reducing the number of tags or even temporarily eliminating the hunt all together in order to improve the quality of the deer herd. Mr. Bruce Cotton, Lone Pine Resident, also addressed the G-3 Hunt. He opposed the reduction of tags for that hunt and advocated closing the hunt to all but local hunters and also for an exclusive disabled veterans hunt. Mr. Cotton requested the Board rescind their letter and conduct community meetings on this matter.
- County Department Report Period** Sheriff Bill Lutze updated the Board on the avalanche control activities in south Bishop Creek Canyon. He said that the control work did not result in avalanches and the area appears to be stable.
- Emergency 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.
- HHS-Soc. Serv./ Family Child Care Licensing Agreement** Moved by Supervisor Brown and seconded by Supervisor Fortney to approve and ratify the Agreement between the County of Inyo and the State of California Department of Social Services – Community Care Licensing Division for the provision of family child care licensing functions, for the period of July 1, 2009 through June 30, 2010; and authorize the Chairperson to sign. Motion carried unanimously.
- HHS-Behavioral Hlth./NNA Amended Contract** Moved by Supervisor Brown and seconded by Supervisor Fortney to approve the FY 2009-2010 Amended Negotiated Net Amount (NNA) Contract with the California Department of Alcohol and Drug Programs (ADP) with an increase of \$333 for a new FY 2009/2010 amount of \$488,363, and a total contract amount of \$1,470,422; and authorize the AOD Administrator to sign. Motion carried unanimously.
- BofS/Feinstein Letter on Authority to take Fee Land into Tribal Trust** Supervisor Cervantes explained that CSAC had requested the County send a letter to Senator Feinstein asking her to advocate for a comprehensive statute addressing the taking of fee lands into tribal trusts. The County Counsel, Mr. Randy Keller, provided additional information regarding the Supreme Court ruling, which resulted in this request. Supervisor Brown explained that the only constituents that she had heard from on this issue was the Bishop Tribe who had requested that she not support sending the letter. She went on to say that in order to represent the position of her constituency in this matter, she would be opposing the letter. She introduced Mr. Glen Hall, Chief Executive Officer of the Bishop Paiute Tribe, who addressed the Board to ask the Board to not send the letter and to support the reinstatement of all Tribes', not just those under federal jurisdiction in 1934, ability to have the Secretary of the Interior take lands into tribal trust. Mr. Gary Bacock, Big Pine Tribal Administrator, introduced himself to the Board. He explained that as the new Tribal Administrator he had not had a discussion with the Tribe on their position on this matter, but felt that they would support the position of protecting the status quo. In response to a question from Supervisor Brown, Mr. Hall confirmed that the tribes located in the Owens Valley were in existence and under federal jurisdiction before 1934, therefore they were not affected by the ruling. The Board continued to discuss the letter, with Supervisor Arcularius noting that the County's letter is advocating that Senator Feinstein have discussions regarding the fee-to-trust policy in order to address some of the systemic flaws in the process, which could be corrected for the benefit of everyone.

Moved by Supervisor Cash and seconded by Supervisor Arcularius to approve a letter to Senator Diane Feinstein advocating for a comprehensive statute addressing the taking of fee land into tribal trusts; and authorize the Chairperson to sign. Motion carried on a four-to-one vote with Supervisors Arcularius, Cash, Fortney and Cervantes voting yes and with Supervisor Brown voting no.

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.

BofS/Alabama  
Stewardship Group The Board received a presentation from the Alabama Stewardship Group, represented by Mr. Kevin Mazzu, Mr. Doug Thompson, and Mr. Chris Langley. Mr. Dick Noles, Bishop area resident, addressed the Board to support the efforts of the Stewardship Group to protect the flexibility of the uses for the area. After the presentation the Board and the representatives discussed in detail and at length the designation options for the Alabama Hills, including a need to look to the history of other areas that selected designations and the long-term impact of those designations, the ability to make an exclusive designation for the Alabama Hills to protect the widest and most diverse use of the area, and the need to protect the uses of the area that result in economic benefit for the Community and the County, i.e. filming.

Recess/  
Reconvene The Chairperson recessed the regular meeting at 11:07 a.m., to reconvene in open session at 11:17 a.m., with all Board Members present.

Sheriff/Positions  
Request Sheriff Lutze provided additional information and further justification for approval to fill vacant positions. He told the Board that because of the history of vacancies in his department he was confident that should staffing reductions be required there would be adequate vacancies even if the positions being requested are filled, to meet budget constraints. Moved by Supervisor Cash and seconded by Supervisor Brown to find that consistent with the Authorized Position Review Policy A) the availability of funding for the requested positions 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 (SB-SC \$4,443 - \$5,648); C) approve the open recruitment and hiring of two Deputy Sheriff positions at Safety Range 67 (SA/SB/SC \$3,948 – \$5,145); and D) approve the open recruitment and hiring of two Correctional Officer positions at Range 64 (\$3,590 – \$4,363) and direct Personnel to counsel County employees who may be candidates for the positions of the effect of the County's lay off procedures on changes in position. Motion carried unanimously.

CAO-Restore The  
Partnership Act of  
2009 Letter The County Administrator, Mr. Kevin Carunchio, provided additional information regarding the Restore the Partnership Act of 2009. He said that it was a feel good bill that did not have a lot of teeth. He and the Board went on to discuss the pros and cons of the bill, as well as the need for the County of Inyo to be more involved with the development of these types of policies earlier rather than after they have garnered wide support. The Board and Mr. Carunchio discussed how becoming more active in NACo might give the County that ability. The Board and Mr. Carunchio discussed the letter in detail and at length, with the Board supporting the position of monitoring H. R. 3332 (Connolly), the Restore The Partnership Act of 2009, establishing the National Commission on Intergovernmental Relations. The Board also requested that its NACo Reps, Supervisors Arcularius and Cash attend the NACo Legislative Conference in Washington, D.C., in March, to further monitor this legislation and to promote Federal agencies' coordination mandate and other issues of importance to Inyo County, i.e., full PILT funding, continuation of Title III Funding, etc.

Recess/  
Reconvene The Chairperson recessed the regular meeting at 12:00 p.m., to reconvene in open session at 1:00 p.m., with all Board Members present.

CAO-Trial Courts/  
MOU Courthouse  
Funds The County Administrator provided additional information on the MOU between the County and the Courts concerning the Courthouse Construction Fund. He explained that the MOU was an AOC requirement in order for the County's Courthouse Construction Funds to be encumbered for a new court facility in Inyo County. He went on to say that it had taken the AOC three years to present the MOU to the County, which included that the interest accrued during the interim was to be transferred also. The Board and Mr. Carunchio discussed the MOU including, a) whether there was a requirement that the interest be accrued to the fund; b) how much the interest amounted to, and c) that the General Fund would have to cover any interest accruals. The County Administrator advocated for the County to negotiate with the Courts to reduce or eliminate the interest payment because it was the Courts' delay in getting the MOU to the County that had resulted in this problem.

The Board and Mr. Carunchio continued to discuss the MOU with the Board concurring with the County Administrator's suggestion that the County negotiate for the elimination or reduction of the amount of interest on the Courthouse Construction Funds to be transferred because the delay was not the County's fault and the MOU does not specifically identify the disbursement of the interest.

BofS/Minute  
Approval

With regard to the minutes of the January 19, 2010 Board of Supervisors Meeting, Supervisor Arcularius requested that on the second page, first paragraph, the Sheriff be included in those departments requested to conduct a workshop, and Supervisor Cash requested corrections in the spelling of Zantera to Xantera, Hauter to Haueter, and barrow to borrow under the Board Member and Staff Reports paragraph on the third page. Moved by Supervisor Brown and seconded by Supervisor Fortney to approve the minutes of the Board of Supervisors Meeting of A) January 19, 2010 as amended and B) the Special Meeting of January 22, 2010. Motion carried unanimously.

Board Members and  
Staff Reports

The Board Members reported on their activities during the preceding week, including a report on State prison reform, a Northern Inyo Airport Advisory Committee meeting, the Public Law 280 Meeting, a Foster Care Committee Meeting, an LTC Meeting, a Fish and Wildlife Commission Meeting, an EMCC Meeting, a Southern Inyo Airport Advisory Committee Meeting, a Big Pine Fire Commissioner Meeting, an ESTA Meeting, notification of an Arts Council event to promote the Community Reads Program 2010 book selection "*The Other Side of the Mountain,*" and honoring Jill Kinmont Boothe, a California Invasive Species conference call, an IMAAA Meeting, an Alabama Hills Stewardship Group Meeting, the Lone Pine Chamber of Commerce Installation Dinner, a Great Basin Meeting, notification that the City of Los Angeles has donated a concrete storage tank to the Olancho Fire Department for fuel storage, and congratulations to Supervisor Cash on her election as Treasurer of CSAC. The County Administrator reported on a CAOAC Business Meeting and notified the Board that he and County Counsel would be traveling to Sacramento to meet with State Lands Commission staff on the solar energy project on the Dry Lake.

Public Comment

The Chairperson announced the second public comment period and there was no one from the public wishing to address the Board

Closed Session

The Chairperson recessed open session at 2:45 p.m., to convene in closed session, with all Board Members present, to discuss and take action as appropriate on Agenda Items No. 13. **PERSONNEL (Pursuant to Government Code §54957)**- Public Employee Appointment – Title – Planning Director; and No. 14. **CONFERENCE WITH LABOR NEGOTIATOR (Pursuant to Government Code §54957.6)** – Instructions to Negotiators re: wages, salaries and benefits – Title – Planning Director.

Report on Closed  
Session

The Chairperson recessed closed session at 5:20 p.m., to reconvene in open session to receive a report on closed session. County Counsel reported that with regard to Agenda Items No. 13. **PERSONNEL (Pursuant to Government Code §54957)**- Public Employee Appointment – Title – Planning Director; and No. 14. **CONFERENCE WITH LABOR NEGOTIATOR (Pursuant to Government Code §54957.6)** – Instructions to Negotiators re: wages, salaries and benefits – Title – Planning Director, the Board in a unanimous vote, with Supervisors Arcularius, Cash, Brown, Fortney and Cervantes voting yes, is pleased to announce the appointment of Mr. Josh Hart as the Inyo County Planning Director, effective upon the retirement in April of the current Planning Director, and will assume his duties at a monthly rate of \$8,200, pursuant to a standard Inyo County Contract, which will be brought back for the Board's approval in open session.

Adjournment

The Chairperson adjourned the regular meeting at 5:20 p.m., to 9:00 a.m., Tuesday, February 9, 2010, in the Board of Supervisors Room, at the County Administrative Center, in Independence.

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*Chairperson, Inyo County Board of Supervisors*

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

by: \_\_\_\_\_  
*Patricia Gunsolley, Assistant*