

# MINUTES

# County of Inyo Board of Supervisors

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

- Public Comment      The Chairperson announced the public comment period and there was no one from the public wishing to address the Board.
- County Department Reports      The Chairperson announced the County Department Report period. Ms. Jean Turner, Director of Health and Human Services, reported on the IMAAA Directors Meeting. Mr. Josh Hart, Planning Director, updated the Board on the Renewable Energy General Plan Amended and reviewed the schedule for community meetings. Dr. Bob Harrington, Water Director, updated the Board on the State groundwater monitoring requirements 2.
- Resol. #2010-47/  
2010 Firefighter of  
the Year      The Chairperson extended the Board's congratulations to Supervisor Marty Fortney who was being honored as the 2010 Firefighter of the Year. On a motion by Supervisor Arcularius and a second by Supervisor Cash, Resolution No. 2010-47 was approved honoring Marty Fortney as the Inyo County 2010 Firefighter of the Year and presented the award to Mr. Fortney: Motion unanimously passed and adopted with Supervisor Arcularius, Cash, Brown and Cervantes voting yes, and with Supervisor Fortney absent. The Chairperson asked the Assistant Clerk to read the Resolution honoring Marty Fortney as the 2010 Firefighter of the Year into the record and presented the resolution to Mr. Fortney. A representative of the Fire Chief's Association also offered the Association's congratulations and presented Mr. Fortney with a commemorative pin. At the conclusion of the presentation, Supervisor Fortney rejoined the Board of Supervisors Meeting.
- Org-Wild Iris/  
Domestic Violence  
Awareness Month      A representative of Wild Iris provided additional information regarding domestic violence and the request to proclaim October as Domestic Violence Awareness month, highlighting many of events that will take place throughout the month of October in Inyo County. Supervisor Cash read the proclamation into the record. Moved by Supervisor Cash and seconded by Supervisor Brown to proclaim October 2010 as Domestic Violence Awareness Month in Inyo County. Motion carried unanimously.
- Closed Session      The Chairperson recessed open session at 9:23 a.m., to convene in closed session, with all Board Members present to discuss and take action as appropriate on Agenda Items No. 5. **PERSONNEL [Pursuant to Government Code §54957]** - Public Employee Appointment - Title: Child Support Services; No. 6. **REAL PROPERTY NEGOTIATIONS [CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE §54956.8]** - Property - APN No. 018-090-07 - Big Pine, California - Negotiating Parties: County Administrator and Tom Hardy - Negotiations: Terms and Conditions; No. 7. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization - ICEA - Negotiators - Labor Relations Administrator Sue Dishion, Undersheriff Jim Jones, Deputy County Counsel Susanne Rizo, Chief Probation Officer Jeff Thomson; No. 8. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization - Elected Officials Assistant Association (EOAA) - Negotiators - Chief Probation Officer Jeff Thomson and Labor Relations Administrator Sue Dishion; No. 9. **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 - Labor Relations Administrator Sue Dishion, and Deputy County Counsel Susanne Rizo; No. 10. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization - Inyo County

Correctional Officers Association (ICCOA) – Negotiators - Labor Relations Administrator Sue Dishion; and No. 11. **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. Supervisor Cash declared a conflict and left closed session at 12:10 p.m. Supervisor Fortney declared a conflict and left closed session at 12:45 p.m.

Recess/  
Reconvene

The Chairperson recessed closed session at 1:00 p.m., to reconvene in open session at 1:30 p.m. with all Board Members present.

Emerg. Serv./Oak  
Creek Mud Flows

Moved by Supervisor Fortney and seconded by Supervisor Brown to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.

HHS-Behavioral  
Hlth. Serv./Office  
Manager Position

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 position exists, as certified by the Director of Health and Human Services and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates meet the qualifications for the position, the position 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 Office Manager at Range 54 (\$2,840 - \$3,454). Motion carried unanimously.

Planning/Planning  
Coordinator Position

The Planning Director, Mr. Josh Hart, provided additional information and further explanation for the recommendation to create a Planning Coordinator position in his department. Moved by Supervisor Brown and seconded by Supervisor Fortney to A) create the job of Planning Coordinator, at Range 66 (\$3,757 - \$4,574) and approve the job description; B) change the authorized strength by deleting one Fiscal Supervisor position at Range 67 (\$3,852 - \$4,676) and adding one Planning Coordinator position at Range 66; and C) find that consistent with the adopted Authorized Position Review Policy: (a) the availability of funding for the requested Planning Coordinator exists, as certified by the Planning Director and concurred with by the County Administrator and Auditor-Controller; (b) where internal candidates meet the qualifications for the position, the position 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 Planning Coordinator at Range 66. Motion carried unanimously.

P.W./Olancha-  
Cartago Four Lane  
Project

The Public Works Director, Mr. Ted Pedersen, provided and reviewed information on the County's costs associated with road relinquishments. Mr. Pedersen explained that based on the costs he is recommending that the County not accept any roads that may be relinquished as a result of various options for the Olancha-Cartago 4-lane Project. The Board Members expressed their support of the area's residents' choice of Alternative No. 1 for the project. Supervisor Arcularius suggested that the letter to Caltrans regarding the project be amended so as to not make a specific reference to an area of the County when addressing herding and transporting livestock. She explained that there is a general process in place for moving livestock across State Highways and it should not be different in this instance. Supervisor Cash noted that the Board had received an email letter from one of her constituents, Mr. Mark Heckman, supporting the by-pass options. Supervisor Cash informed the Board that she had responded to Mr. Heckman explaining her reasoning for supporting Alternative No. 1. Supervisor Cash read her response into the record as follows, *"...you understand that most projects will have alternatives that agree with portions of the General Plan while simultaneously disagreeing with portions of the General Plan. You may have also read that the General Plan Circulation Element states in Implementation Measure 14. The County shall support highway system improvements designed to optimize the use and safety of present facilities as an alternative to construction of new highways. I would also like to clarify that the Board of Supervisors did not pass a resolution. We will be discussing writing a letter to Caltrans supporting Alternative 1 at the Board Meeting tomorrow. While all of the alternatives certainly have their pros and cons, my reasoning for supporting Alternative No. 1 is as follows: It requires no relinquishment of road to the County. We have requested a cost estimate of the relinquishments in each alternative, but since this alternative doesn't entail relinquishment the cost is zero to the County. While Alternative 1 is not the least expensive to the taxpayers of the State, it's \$1.2 million more than Alternative 3, it's \$24.3-million less than the most expensive alternative, which is 4. The cost of the project is not only a factor in terms of the taxpayer value, but the cost of the project will also play a role in determining if and when the project gets approved for funding. Alternative 1 also affects the least amount of private acreage at 66.37 acres, whereas other alternatives affect between 84.77 and 168.38 acres. As you may also understand from reading the General Plan the amount of private acreage in Inyo*

*County is less than 2%. Every acre is precious. Loss of private acreage not only affects the tax base, but also the potential for economic growth. This is not to say there are not negatives to Alternative 1, there certainly are. It will affect the most residences. There will be a loss of an estimated 177 trees (alternatives ranging from 20 to 335, including 68 cottonwoods, with alternatives ranging from 0 to 90.) I acknowledge those negatives but must weigh them against the points I stated above. I understand you don't agree with me and have seen the same Caltrans votes you sight. Residents of Olancha and Cartago have a pile of petitions from their audience of travelers supporting Alternative 1 as well. Clearly there is a division of opinion and someone will be unhappy with the end product. I'm sure that Caltrans will diligently hear all opinions before choosing the alternative to move forward on. Lastly I'll leave you with one of my visions for this County. That vision is that we all recognize the value of each of our unique communities and support those communities whenever possible, because in turn those individual communities create this County, which in turn has challenges in relation to the other 57 California counties. If we can recognize that value in our communities in this County, we can then hope and expect that they in turn will support our communities values when called on."* Several Board Members commented that it was an excellent and thoughtful response. Supervisor Arcularius noted that she had provided a copy of Mr. Heckman's letter for the record and she had responded to Mr. Heckman that the opinions of the residents living in the area weigh heavily in her decision. The Board thanked Mr. Hallenbeck, Caltrans District 9 Director, for extending the comment period, which was very helpful to everyone. Moved by Supervisor Brown and seconded by Supervisor Cash to approve the letter of comment on the Draft Mitigated Negative Declaration and Environmental Assessment for the project, as amended and including the analysis for relinquishment costs as additional information; and authorize the Chairperson to sign. Motion carried unanimously.

Water Dept./IRWMP  
Meeting Direction

The Board and Dr. Harrington discussed the items to be addressed at the upcoming Planning Committee meeting for the Inyo-Mono Integrated Regional Water Management Plan. Dr. Harrington highlighted several of the items on the agenda. Item No. 8, relating to a draft process for prioritizing projects that is being recommended in the Plan. He said the change involved a process where each member would score proposed projects and proposals and then those scores would be averaged. He said he raised the point that this was contrary to the MOU and changed the decision making process from a consensus basis to a voting basis. Dr. Harrington also noted that the proposed change allowed for anonymous rankings, which was probably contrary to the Brown Act. The Board strongly opposed to the draft recommendation because of the proposed changes to the decision making process. Dr. Harrington went on to the next item explaining that the current MOU allows for an administrative subcommittee composed of members of the Planning Committee to keep tabs on administrative tasks. He said at the last meeting he had left it open as to whether Inyo County would contribute to that effort, and said that his department could undertake this effort without the Department's other duties suffering. The CAO weighed in on the subject saying that if Dr. Harrington has the time, this effort would be time well spent. The Board thanked Dr. Harrington for taking on this additional task. The Board and Dr. Harrington went on to discuss Item No. 10 regarding the group complying with the Brown Act, with Dr. Harrington explaining that there is a statement from the Group that it is now going to formally comply with the Brown Act. County Counsel clarified that there have been questions regarding how the Board should handle its agendas for these types of requests to give advice or direction. He said that in this particular case there are no action items being talked about so the Board's agenda is fine. The Board requested additional information on Item No. 3 – *Process Gut Check*, explaining that this nomenclature is not a Brown Act compliant agenda item that provides sufficient information to advise the public on exactly what the Committee is addressing under this item. Dr. Harrington explained that the final item for discussion is the matter of the Fiscal Agent for the Implementation Phase of the Regional Plan. Dr. Harrington, the Board and the County Administrator discussed the Fiscal Agent issue in detail and at length. The discussion included (a) the desirability of having a membership structure for the IRWMP that includes some type of fee structure so that the membership helps to fund the process; (b) the need for fiscal assurances from organizations submitting project proposals so that the Fiscal Agent is not obligated to front the money for projects; (c) the requirements and responsibilities of the Fiscal Agent; (d) recognition that Inyo County cannot and should not take on the liability for another political subdivision or a non-profit group over which the Board has no authority or jurisdiction; (e) the impact of State actions to suspend or defer payments for grant projects on the Fiscal Agent; (f) alternatives including indemnification of the Fiscal Agent and entities recognition of its obligation to fund its own project including cash flow; and (g) the importance of trying to resolve the Fiscal Agent issues up front without the restrictions of the MOU that those signing the MOU have no financial obligation for the projects or the process for which they are making recommendations.

- Public Defender/  
Berry Contract      Moved by Supervisor Cash and seconded by Supervisor Brown to approve the Agreement between the County of Inyo and Allen Berry for the provision of professional services as a Public Defender [Welfare and Institutions, Family Support, and Juvenile Court] for the period October 1, 2010, through September 30, 2013, in an amount not to exceed \$339,000, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
  
- Public Comment      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 3:30 p.m. to 9:00 a.m., Tuesday, October 12, 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*