



County of Inyo Board of Supervisors

April 15, 2008

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, April 15, 2008, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Linda Arcularius presiding, Susan Cash, Beverly Brown, Jim Bilyeu and Richard Cervantes. Supervisor Cervantes provided the Invocation, and Supervisor Brown led the Pledge of Allegiance.

- Public Comment The Chairperson announced the public comment period. Mr. Dick Noles, a resident of Inyo County, updated the Board on the on-going Furnace Creek Road issues. Mr. Rex Allen, Bishop Resident, addressed the Board to talk about the Eastern Sierra Regional Airport (Bishop Airport). He provided a copy of a discussion paper highlighting his concerns. Mr. Joe Pollini of the BLM and Mr. Tom Hallenbeck of Caltrans addressed the Board to provide information on the appeal, which was filed on the use of the Independence Material Pit. Mr. Hallenbeck also provided an update on the progress of the U.S. Highway 395 4-laning project. Ms. Mary Canada of the Sierra Business Council, thanked the Board for the County's support of the ESCHA organization. She provided information on the upcoming Sierra Business Council's Leadership Training Conference and the new "Think Local First" Program. Ms. Michelle Schaup and Ms. Judy Thompson, addressed the Board to talk about the First Home Buyers Program, with the Chairperson requesting the ladies remain until the item is discussed later in the day. Ms. Mary Roper, Clerk-Recorder, reported on the potluck the community of Independence had sponsored yesterday evening to welcome the SKANSKA workers to the community. She noted that SKANSKA is the contractor doing the U.S. Highway 395 4-laning project between Big Pine and Independence.

- County Department The Chairperson announced the County Department Report period. Ms. Nancy Masters, Inyo
Reports County Library, informed the Board that it is National Library Week. Ms. Jean Dickinson, Director of Health and Human Services informed the Board of the spring wellness activity, which is taking a bicycle ride on you lunch break.

- HHS-Child Care Moved by Supervisor Cervantes and seconded by Supervisor Brown to appoint Ms. Kathy Rose to
Planning Council the Child Care Planning Council, to complete an unexpired 3-year term ending November 1, 2009.
Appointment Motion carried unanimously.

- HHS-Behavioral The Chairperson asked that the 45,674 noted on the agenda be changed to \$5,674. Moved by
Hlth./NNA Contract Supervisor Cervantes and seconded by Supervisor Brown to approve the FY 2007-08 First
Amendment amended Negotiated net Amount (NNA) Contract between the County of Inyo and the State of
California ADP Programs in the amount of \$493,704, reflecting an increase of \$5,674 in Federal
funds; and authorize the Chairperson to sign. Motion carried unanimously.

- HHS-Inyo First Five Moved by Supervisor Cervantes and seconded by Supervisor Brown to reappoint Ms. Jean
Commission Dickinson, Director of Health and Human Services, and Ms. Denelle Carrington, HHS Fiscal
Appointments Services Director to the Commission. Motion carried unanimously.

- Planning-Yucca Moved by Supervisor Cervantes and seconded by Supervisor Brown to approve the plans and
Mt./Plans & Specs specifications for the drilling of one deep groundwater monitoring well for the Death Valley Lower
for Monitoring Well Carbonate Aquifer Monitoring Program; and authorize the Project Analyst to advertise for bids for
the project. Motion carried unanimously.

- Planning-Yucca Moved by Supervisor Cervantes and seconded by Supervisor Brown to approve the Contract
Mt./Boart Longyear between the County of Inyo and Boart Longyear Drilling Services for well drilling and construction of
Drilling Contract one groundwater monitoring well, for the period of April 15, 2008 through December 31, 2008, in an
amount not to exceed \$428,329, contingent upon the Board's adoption of future budgets and
continued funding for the project by the U.S. Department of Energy; and authorize the Chairperson
to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.

Planning-Yucca Mt./Dilger Contract Moved by Supervisor Cervantes and seconded by Supervisor Brown to declare Fred C. Dilger, PhD, of Black Mountain Research Consultant, as a sole-source provider of consulting services, and approve the Contract between the County of Inyo and Dr. Dilger for the period of July 1, 2008 through June 30, 2009, in an amount not to exceed \$42,000, contingent upon the Board's adoption of a FY 2008-09 Budget; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.

Planning-Yucca Mt./Latir Energy Contract Moved by Supervisor Cervantes and seconded by Supervisor Brown to declare Latir Energy Consultants as a sole-source provider of consulting services and approve the Contract between the County of Inyo and Latir Energy Consultants for the period of Jun 30, 2008 through June 30, 2009, in an amount not to exceed \$87,000, contingent upon the Board's adoption of a FY 2008-09 Budget; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.

Resol. #2008-10/ Trona Rd. Project On a motion by Supervisor Cervantes and a second by Supervisor Brown, Resolution No. 2008-10 was approved, accepting the improvements and authorizing the recording of a Notice of Completion for the Trona Wildrose Road Improvement Project: motion unanimously passed and adopted.

P.W./FAA Goal Info Moved by Supervisor Cervantes and seconded by Supervisor Brown to approve the annual Overall Goal Information for Federal Aviation Administration funded projects for Federal FY 2007-2008 for the Inyo County Disadvantaged Business Enterprise Program. Motion carried unanimously.

P.W./So. Inyo Airport Committee Appointments Moved by Supervisor Cervantes and seconded by Supervisor Brown to reappoint the following to the Southern Inyo Airport Advisory Committee, to complete four-year terms ending June 1, 2012: (a) Ms. Beverly Vanderwall and (b) Mr. Martin Powell. Motion carried unanimously.

Sheriff/U.S.Forest Service Controlled Substance Coop. Agreement Moved by Supervisor Cervantes and seconded by Supervisor Brown to approve the application for the U.S. Forest Service 2008-09 Controlled Substance Operations Cooperative Agreement in the amount of \$15,000 and authorize the Sheriff to sign the agreement and all other necessary documents. Motion carried unanimously.

Clerk-Elections/ Precinct Workers Compensation Supervisors Bilyeu and Cervantes declared a conflict on the item to consider the compensation for the precinct workers because their wives are precinct workers and they left the meeting. The Chairperson noted a correction that the 480.00 referenced on the agenda be changed to \$80.00. Moved by Supervisor Brown and seconded by Supervisor Cash to set the compensation for precinct workers as follows: \$100.00 for Inspectors and \$80.00 for all other members of the precinct boards. Motion carried unanimously, with Supervisors Bilyeu and Cervantes absent. At the conclusion of the item Supervisors Bilyeu and Cervantes rejoined the meeting.

Assessor/Kronick et al Contract The Assessor, Mr. Tom Lanshaw, provided additional information and further justification of hiring an attorney to represent the Assessor during upcoming discussions on the assessment of the Coso Operations in the County. Mr. Paul Bruce, County Counsel, responded to questions from the Board explaining that the "Board" referred to in the Contract, is the Inyo County Board of Equalization, not the Board of Supervisors. Moved by Supervisor Cervantes and seconded by Supervisor Bilyeu to A) amend the FY 2007-08 County Budget as follows: (i) increase appropriations in Geothermal Royalties Fund Budget Unit 010406, Operating Transfer Out (*Object Code #5801*) by \$100,000; and (ii) in the County Administrator Budget Unit #010200, increase estimated revenue, Operating Transfer In (*Revenue Code #4998*) by \$100,000; and appropriations in Professional and Special Services (*Object Code #5265*) by \$100,000; and B) ratify and approve the Contract between the County of Inyo and the law firm of Kronick, Moskowitz, Tiedemann, & Girard for the period of April 1, 2008 through June 30, 2010, in an amount not to exceed \$100,000, 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.

Water Dept./Peer Review Services Contract Dr. Aaron Steinwand, Inyo County Water Department, explained the peer review process and responded to questions from the Board regarding the contract with Ecological Society of America for peer review services for the Green Book Revisions. He confirmed the Ecological Society would be reviewing not producing work. Moved by Supervisor Cash and seconded by Supervisor Brown to approve the Memorandum of Understanding between Inyo County, Los Angeles Department of Water and Power, and Ecological Society of America for peer review services related to Green Book Revisions and authorize the Acting Water Director to sign on behalf of the County. Motion carried unanimously.

Recess/ Reconvene	The Chairperson recessed the regular meeting at 9:55 a.m., to reconvene in open session at 10:05 a.m., with all Board Members present.
Resol. 2008-12/ Realign D.V. Park Boundary with Saline Valley Road	The Board reviewed the resolution which was presented to request Congressional Legislation to realign the Death Valley National Park Boundary with Saline Valley Road, to (a) provide access to the County's burrow pits and to allow for the unrestricted repair and maintenance of Saline Valley Road and (b) to restore Whippoorwill Flat to semi-primitive designation to allow open access to historic uses of the land. The Clerk noted three letters the Board had received from Mr. Dave Willey, Mr. Joe Andrews and the Saline Preservation Association, supporting the resolution. Supervisor Cash queried whether the resolution was specific enough to secure the County's right-of-way on Saline Valley Road. The Board and staff discussed the resolution in detail. The Chairperson recessed the meeting at 10:10 a.m. to afford Staff the ability to develop more detailed language for the resolution to ensure that the County's and the public's concerns and the boundary changes being requested were identified more specifically. The Chairperson reconvened in open session at 10:20 a.m., with all Board Members present. She announced that the item regarding the realignment of the D.V. Park Boundary with Saline Valley Road was being continued to after lunch, assuring the audience that the Board would take action on the resolution today.
BofS/Owens Lake Conservation Plans	Mr. Mike Prather informed the Board of activities and a workshop which have been scheduled on a comprehensive conservation plan at the Owens Lake. The Board queried Mr. Prather on who was being invited to participate and why certain segments of the public were being excluded. Mr. Prather explained that a part of the work being done was an inventory of the birds in the area and they were keeping the group rather small. He said that the Board was invited to the potluck, which was being held in conjunction with the workshop. The Board expressed their dismay at the plans having been made in advance and the invitations extended at the last minute. They suggested that in the future the Board be notified of these types of planning efforts well in advance of the activities in order for them to manage their schedules and calendar the activities.
Planning/HOME Buyers Program	Mr. Pat Cecil, Planning Director, briefly reviewed the history of the HOME Buyers Program. He informed the Board that he had conducted a survey of California County's and found three rural counties, Del Norte, Kings, and Lake, that were participating in the Program and that those counties up fronted the escrow money. Ms. Michelle Schaup, speaking for her mother, Ms. Judy Thompson, provided additional information on the problems her mother has had with regard to finalizing a loan through the Program. The Board asked Mr. Cecil about the numbers of loans granted, the amounts of the loans, why Ms. Thompson, the applicant for the final loan had been told that she was third, then fourth, and then was ultimately designated the fifth recipient. The Board and Staff discussed the current program in detail and at great length. When Staff was unable to provide responses to some of the questions being asked by the Board concerning the administration of the Program, the Chairperson announced that this item would be postponed until the afternoon session and directed Staff to contact IMACA, the organization administering the Program, to have them send a representative to participate in the discussions later today.
HHS/Workshop on Cost of Doing Business	The Chairperson announced that the workshop with the Director of Health and Human Services on the increasing cost of doing business in the Department was being postponed and would be rescheduled for the first Board Meeting in May.
Resol. 2008-12/ Realign D.V. Park Boundary with Saline Valley Road Continued	The County Administrator and County Counsel provided the Board with a revised resolution requesting Congressional Legislation to have the Death Valley National Park boundary realigned to Saline Valley Road. The Board discussed the resolution with staff, with the County Administrator explaining that the resolution will be transmitted to our Congressional Representatives with a detailed letter which will include the map provided by the Public Works Department identifying the new boundaries. On a motion by Supervisor Bilyeu and a second by Supervisor Cervantes Resolution No. 2008-12, "A Resolution of the Board of Supervisors, County of Inyo, State of California Requesting Congressional Legislation to Re-Align the Boundary of Death Valley National Park In Inyo County Establishing Saline Valley Road as the Western Boundary Line Of The Park," was approved: motion unanimously passed and adopted.
Museum/Visit	The Chairperson recessed the regular meeting at 11:55 a.m., noting that the individual Board Members would be visiting the museum to see the new exhibits and then be taking a lunch break. The Chairperson reconvened in open session at 1:15 p.m., with all Board Members present.

CAO-Dept. Head Evaluation Process The County Administrator briefly reviewed the Department Head Evaluation process, which was being recommended. He noted several changes and additions to the forms. The Board thanked Mr. Carunchio for all of the effort that was put into bringing this process forward. Moved by Supervisor Brown and seconded by Supervisor Cash to A) adopt the Program Guidelines For Annual Personnel Evaluations For Appointed Department Heads, including the Appointed Department Head Evaluation forms as recommended; and direct the following B) the Board Chair to work with the County Administrator and Assistant Clerk of the Board to schedule, prior to June 30, 2008, and in consultation with the calendars of individual Board members, "catch up" evaluations for Appointed Department Heads; C) the Board's intent, expressed in the Program Guidelines For Annual Personnel Evaluations For Appointed Department Heads, to conduct annual personnel evaluations for all Appointed Department Heads within 30-days of the anniversary of their appointment date, but not sooner than six months from the date of their "catch-up" evaluation; and, D) the County Administrator continue to work with the Ad Hoc Committee of the Board to revisit and refine (a) the Program Guidelines For Annual Personnel Evaluations For Appointed Department Heads, the associated Salary of Appointed Officials Policy, including the comparison counties index and salary compensation survey components; and, (b) the Salary of Elected Officials Policy, and present recommendations to the Board for consideration before December 9, 2008. Motion carried unanimously.

Planning/HOME Buyers Program The Board continued their discussions regarding the First Time Home Buyers Program. Mr. Pat Cecil, Planning Director, and Mr. Jeff Bus, Director of Housing and Community Services with IMACA, attempted to answer the Board's questions concerning the process and funding of the Program loans.

As a result of unsatisfactory responses and the Board's concerns regarding the Program fund balance, the Board scheduled another discussion on this for the Board's Regular Meeting, Tuesday, May 6, 2008 at 1:00 p.m., and directed the Agenda Request form for the discussion will be signed by the appropriate County departments, and include the following:

- (a) a financial breakdown of every loan funded through the program, including IMACA costs and County costs, and a full accounting of the Program to date;
- (b) a timeline of the dates that the loans were granted, including all dates the information was submitted, verification of the loan amounts to the applicants, and the notification timeline by the County as to the acceptance of the applications;
- (c) a timeline of the last applicants application, including any notifications to the applicant regarding status of the loan, amount of the loan, and the numerical standing for receipt of the loan, 1st, 2nd, 3rd, etc;
- (d) information concerning the ability of the last loan to be completed by the Program deadline of July 31, 2008, and what is required of the County;
- (e) a departmental recommendation stating the specific actions being requested of the Board in order to proceed.

Sheriff/Budget Amendments Moved by Supervisor Brown and seconded by Supervisor Cash to amend the FY 2007-08 County Budget as follows: (a) approve an Operating Transfer from the Animal Services Shelter Trust Budget Unit #503901 to the Animal Services Budget Unit #023900 in the amount of \$1,700; and (b) in the Animal Services Budget Unit #023900 increase estimated revenue in Operating Transfers In (*Revenue Code #4998*) by \$1,700 and increase appropriations in Maintenance of Structures (*Object Code #5191*) by \$1,700. Motion carried unanimously.

Planning-Yucca Mt./ Latir Consultant Workshop The Chairperson recessed open session at 2:30 p.m., to convene in a workshop with all Board Members present to receive a presentation from Mr. John Gervers, Latir Energy Consultants, regarding the DOE's Yucca Mountain Project. The Chairperson recessed the workshop at 3:10 p.m., to reconvene in open session, with all Board Members present.

Planning/Rt. Designation Coordination Mr. Matt Gaffney, updated the Board on the County's efforts with regarding coordination with the U.S. Forest Service (USFS) on its route designation process for the Inyo National Forest, including a review of a letter to the Forest Supervisor Jim Upchurch requesting access to the data base used to formulate the Proposed Action maps and a proposed Memorandum of Understanding (MOU) with the USFS. Supervisor Cash updated the Board on the Collaborative Alternatives Team's schedule. The Board and Staff discussed the proposed letter and the MOU.

Moved by Supervisor Cash and seconded by Supervisor Bilyeu to approve the letter to be sent to the U.S. Forest Service, as recommended by Staff and authorize the Planning Director to sign. Motion carried unanimously.

Recess/
Reconvene

The Chairperson recessed the regular meeting at 3:15 p.m., to reconvene in open session at 3:30 p.m., with all Board Members present.

Planning/JLUS
Comment Letter

The Board and Planning Staff discussed the letter commenting on the Draft Joint Land Use Study. County Counsel confirmed that they have seen and approved the letter. Supervisor Bilyeu explained that he would be attending the next JLUS meeting and asked for a copy to provide to the Committee. Moved by Supervisor Bilyeu and seconded by Supervisor Cash to approve the letter commenting on the Draft Joint Land Use Study (JLUS); and authorize the Chairperson to sign. Motion carried unanimously.

Road Dept./Asphalt
Emulsion P.O.

The Board and Staff discussed the request to purchase an asphalt product from a sole-source provider. The Public Works Director explained that at the time the agenda request form was prepared, only one bid for the product had been received and, since then, Western Emulsions has agreed to provide their asphalt material for the same price as that quoted by Environmental Concepts. Mr. Chegwiddden explained that this is the material the County is going to compare with the product currently being used by his road crews.

The Board talked about reducing the amount of product to be purchased in order to not use the fund balance of \$55,602, in light of the most recent information concerning the deferral of the road tax payments by the State. The Board also talked about (a) reducing the amount of product being purchased; (b) splitting the amount to be purchased between the two firms offering product for comparison purposes; and (c) which projects would be impacted by the reduction in the amount of material being purchased. A motion was made and withdrawn to purchase equal amounts of products from each vendor after a qualification of the Western Emulsions bid was noted that requires a minimum tonnage to be purchased, which would require more than half of the funds be used to purchase their product.

Moved by Supervisor Cash and seconded by Supervisor Brown to declare Environmental Concepts as a sole-source provider of rejuvenating asphalt emulsion and authorize the purchase of Stryaflex CS rejuvenating asphalt emulsion from Environmental Concepts in an amount not to exceed \$96,228; and direct the material be utilized for the Warm Springs and Tuttle Creek roads repair projects and removing the Eastside Road Project. Motion carried unanimously.

P.W./2008 RTIP
Program

The Board and Staff discussed the 2008 Regional Transportation Improvement Program in detail and at length.

P.W./ Prop 1B
Project List and
Budget

The Board and Staff discussed the proposed Proposition 1B Projects list, including the budget. Supervisor Cash noted that the Eastside Road Project, which was deleted from a previous action, is not on the Prop 1B Project List, and acknowledged that rather than asking to have a different project eliminated from the list, that the Eastside Road Project be included on the next projects list. Moved by Supervisor Cash and seconded by Supervisor Brown to approve the recommended Proposition 1B Project List and of the Prop 1B Projects Budget as recommended by Staff. Motion carried unanimously.

CAO/Inyo Complex
Fire Insurance
Proceeds

Moved by Supervisor Cash and seconded by Supervisor Cervantes to, as recommended by the Financial Advisory Committee (FAC), authorize the Auditor-Controller to use all insurance proceeds received for the Independence Town Water System Reservoir, destroyed during the Inyo Complex Fire, and any State Office of Emergency Services money received for the Reservoir for costs not covered by insurance, to supplant the \$1,294,194 Operating Transfer made from the General Reserve budget to the Inyo Complex fire budget on a dollar-for-dollar basis. Motion carried unanimously.

CAO/Area Code
Change Letter

Moved by Supervisor Cash and seconded by Supervisor Brown to approve the letter to the California Public Utilities Commission (CPUC) supporting the Administrative Law Judge, Maribeth Bushey's proposed decision regarding the change in the 760 area code, which recommends the area code remain 760 in the Eastern Sierra. Motion carried unanimously.

- COA/Relocation of Offices in Bishop Area The County Administrator made a presentation concerning the proposed relocation of County offices in the Bishop Area. He provided information on where and why offices were being relocated and gave the Board the opportunity to provide alternative direction. He explained that the moves could save the County \$120,000 per year, while providing many of the Departments who have needed more space that additional space. He explained that the moves were being made to improve the delivery of services and protect the County budgets. He noted that several County budgets were facing budget shortfalls that might be partially alleviated by the new work locations. Mr. Carunchio thanked Mr. Mike Conklin, Deputy Public Works Director, for his work in negotiating the new leases. The Board thanked Mr. Carunchio and Mr. Conklin for their work and successful conclusion of this lengthy process, which began when the County was apprised that certain leases in the Bishop area were either not being renewed or were being drastically increased. The Board noted that through this process the County was able to negotiate better lease terms for longer periods of time, which is very beneficial to the County and its long-term budgeting outlook.
- BofS/Minute Approval The Clerk requested that the March 25, 2008 minutes be amended to provide that on page one the second paragraph, fourth sentence, the ...no "bodies have been" found read ...no bodies have been found." And, that the April 1, 2008 minutes be amended to make Chairs possessive as Chair's on page 4, second paragraph, last sentence. Moved by Supervisor Cash and seconded by Supervisor Brown to approve the minutes of the Board of Supervisors Meetings of A) March 25, 2008 and B) April 1, 2008. as amended. Motion carried unanimously.
- Board Members and Staff Reports The Board Members postponed their reports, except for notification of an RCRC alert regarding the need to oppose SB 1617 concerning State Responsibility Area (SRA) assessments.
- 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 5:30 p.m., to convene in closed session, with all Board Members present, to consider and take action as appropriate on Agenda Items No. 35. **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. 36. **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 - CAO Kevin Carunchio, Sheriff Bill Lutze and Labor Relations Administrator Sue Dishion; No. 37. **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; No. 38. **PERSONNEL [Pursuant to Government Code §54957]** - Public Employee Evaluation - Title - Director of Public Works; and No. 39. **PERSONNEL [Pursuant to Government Code §54957]** - Public Employee Appointment - Title - Director of Public Works.
- Report on Closed Session The Chairperson recessed closed session at 8:30 p.m., to reconvene in open session to receive a report on closed session. County Counsel reported there were no items discussed in closed session, which were required by law to be reported on in open session.
- Adjournment The Chairperson adjourned the regular meeting at 8:30 p.m. to 9:00 a.m., Tuesday, May 6, 2008, 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