

MINUTES

County of Inyo Board of Supervisors

May 6, 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 May 6, 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 Bilyeu provided the Invocation, and Supervisor Cervantes led the Pledge of Allegiance.

- Public Comment The Chairperson announced the public comment period and there was no one wishing to address the Board.
- County Department Reports The Chairperson announced the County Department Report period. Supervisor Brown, requested that today's meeting be adjourned in memory of her father-in-law, Earl Brown, who passed away last week. Ms. Denelle Carrington, Health and Human Services Department Fiscal Director, informed the Board of proposed action by the State to decrease Child Welfare funding by 15.9% and Adult Protective Services funding by 10%. She asked that the Board send a letter opposing these cuts to our State legislators. Sheriff Bill Lutze informed the Board of the award of a grant to help fund the County's Narcotic Task Force. Sheriff Lutze also informed the Board that the first participant in the County Work Release Program has completed their obligations under the Program. He explained that the Program is a success and there are 5 more people interested in participating in the Program. Mr. Jon Klusemire, Museum Director, updated the Board on museum activities, including the Manzanar Reception, the Friends of the Museum BBQ, and an upcoming talk by Mr. Courtney Smith on local petroglyphs and rock art. Mr. Klusemire also informed the Board that a plaque honoring Keith Bright's efforts regarding the Manzanar Historic site was being placed at the Japanese Park in Balboa.
- CAO-Info Serv./
Office of Ed
Network Wiring
Contract Moved by Supervisor Bilyeu and seconded by Supervisor Cervantes to award the bid and approve the contract to Eldridge Electric & Son, Inc., for the County of Inyo Network Wiring Former County Schools Facility in the amount of \$50,704.20; authorize the Chairperson to sign; and authorize the County Administrator to execute all other contract documents, including contract change orders, to the extent permitted by Public Contract Code §20142 and other applicable law. Motion carried unanimously.
- Resol. #2008-13/
Disability Findings On a motion by Supervisor Bilyeu and a second by Supervisor Cervantes, Resolution No. 2008-13, entitled "A Resolution of the Inyo County Board of Supervisors Making Findings and Determinations Required by Government Code §21156 Concerning Incapacity and Disability of an Employee," was approved: motion unanimously passed and adopted.
- Ag. Comm./Weight
Truck Use Moved by Supervisor Bilyeu and seconded by Supervisor Cervantes to approve the use of the weight truck for the Mule Pulling Contest, Sunday, May 25, 2008, during the Mule Days events at the Tri-County Fairgrounds. Motion carried unanimously.
- Ag. Comm./
Mosquito
Abatement
Chemical P. O. Moved by Supervisor Bilyeu and seconded by Supervisor Cervantes to declare Wachovia (Adapco/Fennimore Chemical) a sole-source provider of mosquito abatement chemicals for FY 2008-09 and approve a blanket purchase order to Wachovia (Adapco/Fennimore Chemical) for the purchase of mosquito abatement chemicals for FY 2008-09, effective July 1, 2008, in an amount not to exceed \$100,000, contingent upon the Board's adoption of a FY 2008-09 Budget. Motion carried unanimously.
- Ag. Comm./ATV
P. O. Moved by Supervisor Bilyeu and seconded by Supervisor Cervantes to A) declare Golden State Cycle, Mammoth Powersports and Antelope Valley Kawasaki Honda Polaris as non-responsive bidders; and B) award the bid for and approve the purchase of two 2008 Polaris 800 Sportsman ATV's, from Valley Cycle and Motorsports as the low bidder, in an amount not to exceed \$17,746.22. Motion carried unanimously.

E. Health/Risk Management Professionals Contract	Moved by Supervisor Bilyeu and seconded by Supervisor Cervantes to approve the Contract between the County of Inyo and Risk Management Professionals, Inc., for the provision of hazardous materials consulting services, for the period of March 18, 2008 through September 30, 2008, in an amount not to exceed \$14,850, 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.
HHS-Misc./UC Berkley Consulting Contract	Moved by Supervisor Bilyeu and seconded by Supervisor Cervantes to ratify and approve the Contract and Amendment No. 1 to the Contract between the County of Inyo and the Regents of the University of California at Berkley for provision of consultation services, for the period of September 15, 2007, through December 31, 2008, in an amount not to exceed \$25,000, contingent upon the Board's adoption of a FY 2008-09 Budget; and authorize the Chairperson to sign. Motion carried unanimously.
P.W./Eastern Sierra Engineering Contract Amendment	Moved by Supervisor Bilyeu and seconded by Supervisor Cervantes to ratify and approve Amendment No. 3 to the Contract between the County of Inyo and Eastern Sierra Engineering for engineering services, for materials testing services for the Mustang Mesa Subdivision Improvement Project; materials testing and assistant resident engineer services for the Independence Reservoir Project; and surveying services for the Coso Road Improvement Project, increasing the Contract amount by \$44,900 to an amount not to exceed \$318,900, contingent upon the Board's adoption of a FY 2008-09 Budget; and authorize the Public Works Director to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
P.W./Fehr & Peers Contract Amendment	Moved by Supervisor Bilyeu and seconded by Supervisor Cervantes to approve Amendment No. 2 to the Contract between the County of Inyo and Fehr and Peers Transportation Consultants for transportation planning services, increasing the Contract by \$21,000 to an amount not to exceed \$81,661 to complete an Inyo County Regional Transportation Planning Agency (RTPA) Handbook; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
P.W./Plans & Spec. Indy A/P Apron	Moved by Supervisor Bilyeu and seconded by Supervisor Cervantes to approve the plans and specifications for the Independence Airport Apron Improvement Project and authorize the Public Works Director to advertise for bids for the project. Motion carried unanimously.
Resol. #2008-14/ Indy A/P Project Completion Notice	On a motion by Supervisor Bilyeu and a second by Supervisor Cervantes, Resolution No. 2008-14 was approved accepting the improvements and authorizing the recording of a Notice of Completion for the Independence Airport Improvement Project: motion unanimously passed and adopted.
Resol. #2008-15/ L.P. Landfill Fence Completion Notice	On a motion by Supervisor Bilyeu and a second by Supervisor Cervantes, Resolution No. 2008-15 was approved accepting the improvements and authorizing the recording of a Notice of Completion for the Lone Pine Landfill Fencing Project: motion unanimously passed and adopted.
P.W./Fed. Exchange Program	Moved by Supervisor Bilyeu and seconded by Supervisor Cervantes to approve the 2007-08 Federal Apportionment Exchange Program and State Match Program Agreement, with the California Department of Transportation in the amount of \$673,353, plus a State match of \$100,000 for a total amount of \$773,353; and authorize the Chairperson to sign. Motion carried unanimously.
Rd. Dept./ Concrete Products Contract	Moved by Supervisor Bilyeu and seconded by Supervisor Cervantes to award the bid for concrete products 2008/09 to Hiatt Ready Mix, Inc., and approve the Contract between the County of Inyo and Hiatt Ready Mix, Inc., for concrete products for the period of July 1, 2008 through June 30, 2009, in an amount not to exceed \$34,040, 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.
Rd. Dept./Road Grooms P. O.	Moved by Supervisor Bilyeu and seconded by Supervisor Cervantes to declare Swihart Sales Company as a sole-source provider of road grooms and approve the purchase of two road grooms from Swihart Sales Company in an amount not to exceed \$29,849.50 including tax. Motion carried unanimously.

Planning/Rt. Designation Update	<p>The Planning Director, Mr. Pat Cecil, updated the Board on coordination efforts with the U.S. Forest Service on their Route Designation process. He informed the Board that the County would be meeting with the Forest Service in the near future to review some of their records on certain road closures. The Board and Mr. Cecil discussed the need to ensure that the Forest Service is aware of the County's intentions with regard to information reviewed that may be disputed. Supervisor Brown suggested that County Counsel accompany the Planning Director on the initial visit to ensure the parameters regarding the information being gathered are conveyed. The Board asked that Mr. Cecil include an update on HCR 5 and HR 308 in future reports regarding coordination and the Route Designation process. Supervisor Cash reported that the Collaborative Action Team's (CAT) recommendation would be an alternative in the NEPA process.</p>
Planning/HOME Program	<p>The Planning Director, Mr. Pat Cecil, provided additional information and further explanation on the 2005-2008 HOME First Time Homebuyers Program grant cycle. He informed the Board that the amount available for the last loan of this grant cycle is \$135,492, as verified by the information provided. Mr. Daniel Steinhagen, Executive Director of IMACA, addressed the Board. He commended the Board for undertaking the HOME Buyers Program and briefly reviewed the statistics of applicants and recipients of the Program. Mr. Steinhagen went on to clarify and discuss IMACA's responsibilities under and participation in the Program. He and the Board discussed the timelines of the loans already granted. Mr. Kevin Carunchio, County Administrator, noted to the Board that as confirmed by the information provided by the Planning Department regarding the disbursement of funds under this Program, the County has, in most cases, turned the funds around in a day, and the delay is on the State's end. Ms. Judy Thompson, an applicant for a loan through this program, queried the Board on anomalies concerning her application. The Board explained that today's action was to confirm the amount of money available for the last loan and to identify if the Board would authorize up-fronting that amount. After explaining that the Board was not authorizing the loan, only the amount, the Board directed Ms. Thompson to IMACA and the County's Planning Department for responses to her questions. Moved by Supervisor Bilyeu and seconded by Supervisor Cash to confirm \$135,492 as the amount available for the final loan of the 2005-2008 HOME First Time Home Buyers Program. Motion carried unanimously.</p>
Recess Reconvene	<p>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.</p>
CAO-Personnel/ Acting P.W. Director Contract	<p>The County Administrator, Mr. Kevin Carunchio, briefly reviewed the proposed Contract between the County and Wildan Corporation for professional engineering and management services as the Public Works Director. He explained that Mr. Wilson, the Engineer being assigned, will be in County two days a week and available a third day. Mr. Carunchio introduced Mr. Wilson to the Board. Mr. Wilson said that he felt it would be a good partnership and he looked forward to working with the Board and the County staff. Supervisor Cash noted that as well as being the Public Works Director, Mr. Wilson will be assuming the other duties as Road Commissioner and County Surveyor. Supervisor Arcularius noted that the County would be pursuing hiring a permanent Public Works Director, that this Contract has a 30-day cancellation clause; and without a Public Works Director/Road Commissioner the County would not be able to claim hundreds of thousands of road dollars. Moved by Supervisor Cash and seconded by Supervisor Brown to ratify and approve the agreement between the County of Inyo and Wildan Corporation for the provision of professional engineering and management services as the Acting Director of Public Works for the term of May 1, 2008 through June 30, 2009, in an amount not to exceed \$100,000 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.</p>
CAO-Adv. County Res./Supplement Community Project Grants	<p>Mr. Jon Klusemire, Museum Director, reviewed the recommendations for the Community Project Sponsorship Program Supplemental Grants. He provided a brief description of each of the projects and explained why those applications not awarded funding were excluded. Mr. Bruce Ivey, Friends of the Mt. Whitney Fish Hatchery, Ms. Lynn Cooper, Executive Director, Inyo Council for the Arts, Ms. Tawni Thompson, Executive Director, Bishop Chamber of Commerce and Ms. Susan Cullen, Museum Director, Laws Railroad Museum, addressed the Board to offer their thanks for the funding. Ms. Gaye Mueller, Mono Council for the Arts, addressed the Board to ask for reconsideration of a reduced amount for the Trail of the Trout Project. The Chairperson explained that no changes could be made today and suggested that if Ms. Mueller wanted to make a different proposal to the Board that she coordinate with the Assistant Clerk to get on the Board's agenda in the future.</p>

Moved by Supervisor Cash and seconded by Supervisor Bilyeu to A) approve the Community Project Sponsorship Program Supplemental Grant applications recommended by the Community Project Sponsorship Program Grant Review Panel and in the amounts recommended by Program Staff; and B) authorize the County Administrator to sign the contracts with the FY 2007-08 Community Project Sponsorship Program applicants in the amount approved by the Board, contingent upon the appropriate signatures being obtained. Motion carried unanimously.

Integ. Waste/Fee
Ordinance Public
Hearing

The Chairperson opened the public hearing on a proposed ordinance entitled "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Repealing Inyo County Ordinance Number 1094, and Establishing Solid Waste Disposal Fees." Deputy County Administrator, Mr. Chuck Hamilton, explained that this fee ordinance allows for treated wood waste and transformer oil to be accepted at the Landfills, it consolidates rim tire sizes for recycling and it provides for fees for small and larger tree stumps. In response to questions he explained that the transformer oil is being accepted through the Household Hazardous Waste Program, which does not allow for commercial users. Mr. Ken Lloyd, Jr., addressed the Board to provide additional information regarding transformer oil. There being no one else from the Public wishing to address this issue, the Chairperson closed the public hearing at 11:07 a.m. Moved by Supervisor Cash and seconded by Supervisor Cervantes to waive the first reading of the ordinance and schedule the enactment for 10:00 a.m., Tuesday, May 13, 2008, in the Board of Supervisors Room, at the County Administrative Center, in Independence. Motion carried unanimously.

Resol. #2008-
16/Appeal of Cert.
Of Comp. 261/Keys

The Chairperson opened the public hearing at 11:07 a.m., on the appeal of the Planning Commission's approval of Certificate of Compliance No. 261/Keys (Boundary Line Adjustment), an application to reconfigure two lot lines between three parcels, located at 568 Cottonwood Lane in Wilkerson south of Bishop (APNs 013-220-06, 013-220-07 and 013-220-08). The Planning Director, Mr. Pat Cecil, reviewed the Staff Report and recommendations for the Board. Mr. Cecil explained that the issue before the Board was a civil matter between property owners. At the conclusion of his remarks, he requested that the Staff Report and its attachments be entered into the record and they were marked Exhibit A. Mr. Andy Holmes addressed the Board on behalf of the applicant to support the project. The appellant, Mr. Carlyle, noted the short time in which he had to prepare his appeal. He went on to present his reasons for appealing the project, which included that the lot line adjustment appears to place a water right on a different parcel, without having the ability to convey that water right. He explained that he has a concern that the land is going to be developed without the appropriate understanding of how the water can be used and that the action taken by the Planning Commission changes an historic use of the land and the creek. Mr. Carlyle asked that a copy of the plot map for the property be entered into the record and it was marked Exhibit B. He also asked that a picture of the pond and the creek on his property be entered and it was marked Exhibit C. There was no one from the public wishing to address this matter. The Chairperson closed the public hearing at 11:20 a.m. On a motion by Supervisor Bilyeu and a second by Supervisor Brown, Resolution No. 2008-16 was adopted, denying the appeal regarding Certificate of Compliance No. 261/Keys (Boundary Line Adjustment): motion unanimously passed and adopted.

Recess/
Reconvene

The Chairperson recessed the regular meeting at 11:25 a.m., to reconvene at 11:30 a.m., with all Board Members present.

BofS/Timberline
Corp.

The Board accepted a presentation from a representative of Timberline Resources Corporation on their Conglomerate Mesa and Santa Rose Projects, which are located in Inyo County. Supervisor Brown left the meeting at 11:45 a.m.

Recess/
Reconvene

The Chairperson recessed the regular meeting at 11:50 a.m., to reconvene in open session at 11:55 a.m., with all Board Members present except Supervisor Brown, who the Chairperson noted had left to attend the funeral of her father-in-law, Earl Brown.

Water/IRWMP
Presentation

Dr. Bob Harrington, Acting Water Director, made a presentation on the Integrated Regional Water Management Plans (IRWMP) process. The Board and Mr. Harrington discussed the County's involvement in the planning process for a proposed IRWMP for Inyo and Mono Counties. A representative of Cal Trout, Mr. Mark Drew, addressed the Board to support the County's participation in the planning phase to develop an IRWMP for Inyo and Mono Counties.

The discussion included (a) the benefits and restrictions of a plan; how Props 84 and 50 affect the plans and funding for projects; how the plans would affect existing agreements, i.e., the Long Term Water Agreement, future agreements or changes and/or amendments to existing agreements. The Chairperson noted that Ms. Julie Bear of the Sierra Nevada Conservancy Office was in attendance, and Ms. Bear offered to answer any questions the Board might have regarding the Conservancy's requirements. The Board and Staff continued to discuss the IRWMP, including Dr. Harrington's recommendations regarding a resolution from the Standing Committee concerning the IRWMP. The Chairperson requested that a discussion regarding a resolution on this matter be a part of the future discussion on the Standing Committee Agenda.

Moved by Supervisor Cash and seconded by Supervisor Bilyeu to approve sending a letter to the Sierra Nevada Alliance supporting and expressing interest in participating in the development of an application for a planning grant to develop an Integrated Regional Water Management Plan (IRWMP) for Inyo and Mono Counties, and direct staff to participate in the development of the planning grant and seek participation from additional Inyo County stakeholders. Motion carried unanimously.

CAO/Appraisal Services Contract Moved by Supervisor Cash and seconded by Supervisor Cervantes to approve the agreement for appraisal services between CA Bretton, Inc., and the County of Inyo in the amount of \$74,000; and authorize the Chairperson to sign. Motion carried unanimously.

BofS/Minute Approval The Clerk requested that the minutes of April 15, 2008 be amended to correct the spelling of Mr. Pollini's name on the first page under the public comment section. Additionally the Clerk asked that the spelling of Whippoorwill be verified and corrected if needed. Moved by Supervisor Cash and seconded by Supervisor Cervantes to approve the minutes of the Board of Supervisors meetings of A) April 8, 2008 and B) April 15, 2008, as amended. 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.

Closed Session County Counsel noted that closed session Agenda Items No. 30. **REAL PROPERTY NEGOTIATIONS [Conference With Real Property Negotiators Pursuant To Government Code §54956.8]** – Property – Independence Airport and Eastern Sierra Regional Airport (Bishop); Negotiating Parties – Inyo National Forest Services and County Administrator and Public Works Director - Negotiations – Lease Price and Terms, and No. 31. **REAL PROPERTY NEGOTIATIONS [Conference With Real Property Negotiators Pursuant To Government Code §54956.8]** – Property – Independence Airport and Eastern Sierra Regional Airport (Bishop); Negotiating Parties – Inyo National Forest Services and County Administrator and Public Works Director - Negotiations – Lease Price and Terms, had been withdrawn from closed session. The Chairperson recessed open session at 12:50 p.m., to convene in closed session, with all Board Members presented, except Supervisor Brown, to discuss and take action as appropriate on Agenda Items No. 29. **REAL PROPERTY NEGOTIATIONS [Conference With Real Property Negotiators Pursuant To Government Code §54956.8]** – Property – 301 West Line Street, Bishop, California; Negotiating Parties – City of Bishop, County Administrator and Public Works Director - Negotiations – Terms and Conditions of Potential Lease; No. 32. **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 Dishon; No. 33. **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 Dishon; and No. 34. **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 Dishon.

Report on Closed Session The Chairperson recessed closed session at 1:30 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 meeting in memory of Mr. Earl Brown, who recently passed away. The Chairperson adjourned the meeting at 1:30 p.m., to 9:00 a.m., Tuesday, May 13, 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*