



County of Inyo Board of Supervisors

July 15, 2008

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:30 a.m., on Tuesday, July 15, 2008, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Linda Arcularius presiding, Susan Cash, Jim Bilyeu and Richard Cervantes. Supervisor Brown was absent. 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 from the public wishing to address the Board.

County Department Reports The Planning Director informed the Board that the ordinance, which was enacted as a result of the Inyo Complex Fire, would remain in effect for the flood damage, which occurred this weekend. The County Administrator and the Sheriff, reported on this weekends flood and mudflow disaster, which were caused by torrential rain in the burn area on Oak Creek resulting in the destruction of much of the property along Oak Creek, relocated Oak Creek and washed out U.S. Highway 395. Ms. Jean Dickinson, Director of Health and Human Services, also reported on the emergency and the County's response with regard to evacuations and shelter activities. The Board was informed of a community meeting, which has been scheduled for this evening at 5:00 p.m., at the Legion Hall to provide information and respond to questions concerning the disaster itself and what types and where help is available. Ms. Jean Dickinson also reported on a power outage, which resulted in portions of Highlands Mobile Home Park being without electrical power for 18 hours. She explained that many of the County programs and Departments participated in efforts to ensure the safety of those seniors affected by the outage. Sheriff Lutze also informed the Board that as a result of the flood, search and rescue activities to locate the lost hiker had been suspended.

Recess/Reconvene The Chairperson recessed the regular meeting at 9:25 a.m., to reconvene at 9:40 a.m., in open session, with all Board members present except Supervisor Brown.

P.W./Indy Airport Apron Project The Acting Public Works Director, Mr. Doug Wilson, reviewed the Staff recommendation regarding the Independence Airport Apron Improvement Project. He explained that Staff's recommendation to reject the bid submitted by Pacific Asphalt Services was because the Contract had not met the County's requirements with regard to DBE certifications. Mr. Travis Rosser and Mr. Jeff Rosser of Pacific Asphalt Services, addressed the Board to explain and verbally support their position that they made a "good faith" effort to meet DBE requirements. They noted that their major supplier for the Contract, which they had not listed because they said it was not required, was a DBE certified contractor. They also explained that they felt because two of the subcontractors listed, while they were not going to be used on the project, were actually women and minority owned which they said the bid document stated would be considered towards the DBE requirements. The Public Works Director explained that the DBE certification requirements were clearly defined in the bid documents and the contractor had been unable to verify the certifications. Additionally, the Public Works Director also confirmed that the FAA had indicated to the County that they did not believe the Contractor had met the "good faith" DBE requirements. The Board, Staff, and Rosser's continued to discuss the DBE requirements and certifications.

Moved by Supervisor Bilyeu and seconded by Supervisor Cash to declare the bid, submitted by Pacific Asphalt Services for the Independence Airport Apron Improvement Project as non-responsive and reject the bid. Motion carried unanimously, with Supervisor Brown absent.

Moved by Supervisor Bilyeu and seconded by Supervisor Cervantes to A) award and approve the Contract for the Project to Sierra Nevada Construction, Inc., of Sparks, Nevada in the amount of \$693,007, 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; B) authorize the Acting Public Works Director to execute all other contract documents, including contract change orders, to the extent permitted by Public Contract Code §20142 and other applicable law; and C) authorize the Acting Public Works Director to sign an additional FAA grant offer for the project on behalf of the County. Motion carried unanimously, with Supervisor Brown absent.

- Ag. Comm/
Introduction The Chairperson noted that the introduction of a new Account Tech in the Agricultural Commissioner's Department was being rescheduled.
- Auditor/Pay
Increase The Chairperson noted that the request to approve a 10% increase in the Auditor-Controller's salary was being pulled from consideration at the request of the Auditor and would be rescheduled.
- CAO-Personnel/
Dickinson
Contract Moved by Supervisor Bilyeu and seconded by Supervisor Cervantes to approve Amendment No. 2 to the Agreement between the County of Inyo and Jean Dickinson for the provision of personal services as a County Officer authorizing a monthly salary of \$9,499 and a motor vehicle to be assigned to the Officer for her exclusive use as required by her 24-hour emergency and professional response required with the County, effective July 1, 2008, and authorize the Chairperson to sign, contingent upon appropriate signatures being obtained. Motion carried unanimously, with Supervisor Brown absent.
- E. Health/IDEXX
Sole-source Moved by Supervisor Bilyeu and seconded by Supervisor Cervantes to declare IDEXX Laboratories, Inc., as a sole-source provider of certain water testing laboratory supplies for the period of July 1, 2008 through June 30, 2009. Motion carried unanimously, with Supervisor Brown absent.
- HHS-Behavioral
Hlth./Tarzana
Treatment Center
Contract Moved by Supervisor Bilyeu and seconded by Supervisor Cervantes to ratify and approve the Contract between the County of Inyo and Tarzana Treatment Centers for the provision of residential alcohol and drug treatment services for the period of July 1, 2008 through June 30, 2009, 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, with Supervisor Brown absent.
- HHS-Behavioral
Hlth./Casa
Pacifica Contract Moved by Supervisor Bilyeu and seconded by Supervisor Cervantes to ratify and approve the Contract between the County of Inyo and Casa Pacifica Centers for Children and Families for the provision of mental health services for the period of July 1, 2008 through June 30, 2009, in an amount not to exceed \$30,000, contingent upon the Board's adoption of a FY 2008-09 budget; and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Brown absent.
- HHS-Behavioral
Hlth./SACP Plan
and OTP
Application Moved by Supervisor Bilyeu and seconded by Supervisor Cervantes to approve A) FY 2008-09 changes to the Substance Abuse and Crime Prevention Act (SACP) Plan and B) Offender Treatment Program (OTP) Application for funding, contingent upon adoption of future budgets and authorize the Alcohol and Drug Administrator, Linda Benson, to sign. Motion carried unanimously, with Supervisor Brown absent.
- HHS-Behavioral
Hlth./Crestwood
Behavioral Hlth
Contract Moved by Supervisor Bilyeu and seconded by Supervisor Cervantes to ratify and approve the Contract between the County of Inyo and Crestwood Behavioral Health, Inc., for residential placement for adults in a locked facility for the period of July 1, 2008 through June 30, 2009, in an amount not to exceed \$80,000, contingent upon the Board's adoption of a FY 2008-09 budget; and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Brown absent.
- P.W./Bishop City
Offices Lease Moved by Supervisor Bilyeu and seconded by Supervisor Cervantes to ratify a one-year lease agreement between the County of Inyo and the City of Bishop for the County offices located at 301 West Line Street in Bishop, for the period of July 1, 2008 through June 30, 2009, at a monthly rate not to exceed \$4,241.25, contingent upon (a) revisions to the lease's damages clause acceptable to County Counsel and (b) the County's ability to fund the lease in adopting the FY 2008-09 budget; and authorize the Chairperson to sign the lease, contingent upon the appropriate signatures being obtained. Motion carried unanimously, with Supervisor Brown absent.

P.W./Bishop City Court Lease	Moved by Supervisor Bilyeu and seconded by Supervisor Cervantes to ratify an eighteen month lease agreement between the County of Inyo and the City of Bishop for the Inyo County Court space located at 301 West Line Street in Bishop, for the period of January 1, 2008 through June 30, 2009, at a monthly rate not to exceed \$1,822.38, contingent upon the County's ability to fund the lease in adopting the FY 2008-09 budget; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously, with Supervisor Brown absent.
P.W./Bishop Office Tenant Project Rebid	Moved by Supervisor Bilyeu and seconded by Supervisor Cervantes to declare the bid submitted by CRJ Construction for the Bishop Offices Tenant Improvement Project as non-responsive; and authorize the Public Works Director to readvertise for bids for the Project using the same scope of work. Motion carried unanimously, with Supervisor Brown absent.
Road Dept./Road Closures	Moved by Supervisor Bilyeu and seconded by Supervisor Cervantes to approve the closure of a portion of Barlow Lane at the intersection of U.S. Highway 395 from 7:00 a.m., on August 11, 2008 to 5:00 p.m., on August 15, 2008; a portion of Pa Ha Lane at the intersection of U.S. Highway 395 from 7:00 a.m., on August 4, 2008, to 5:00 p.m., on August 9, 2008; and a portion of Brockman Lane at the intersection of U.S. Highway 395 from 7:00 a.m., on July 28, 2008 to 5:00 p.m., on August 1, 2008; and authorize the Acting Public Works Director to approve adjustments to the dates and times of the closures, if needed. Motion carried unanimously, with Supervisor Brown absent.
CAO-Budget/FY 2008-09 Budget Overview	The County Administrator provided a general overview of the FY 2008-09 County Budget. He noted some highlights, including the payoff of the debt associated with the Sheriff's Radio Network upgrade and the Solid Waste equipment purchases. He also noted areas of concern including the impact of the State budget on funding for programs and services. Mr. Carunchio asked the Board to consider (a) scheduling budget workshops during August in order for the Board to hear from their Departments, with the Board calendaring a workshop to guide staff in the completion of FY 2008-09 CAO Recommended Budget, for the morning of Wednesday August 13, 2008; and (b) the establishment and funding for a "budget stabilization fund" as a method to prepare for next year's budget shortfalls.
P.W./Dept. Update	The Acting Public Works Director, Mr. Doug Wilson, updated the Board on the Department's activities during the preceding week, including commending his Staff for their work and help during the emergency. He also updated the Board on a recent session regarding the Northern Inyo Airport Advisory Committee, explaining that there may be a request for the Board to reduce the number of the membership in order to facilitate a quorum.
Planning/LAFCO Contract	Moved by Supervisor Cash and seconded by Supervisor Cervantes to ratify and approve the Contract between the County of Inyo and LAFCO for the Inyo County Planning Staff services for the period of July 1, 2008 through June 30, 2009 in the amount of \$26,730, 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, with Supervisor Brown absent.
Treasurer/Tax-Default Internet Land Auction	The Treasurer-Tax Collector, Ms. Alicia McMurtrie, said that the firm she is recommending to provide internet tax-default land auction services is performing this service for 48 of the 58 California counties. She briefly explained how the internet land auction process works and that she believes this method of disposing of tax-defaulted lands will garner a larger pool of bidders, with the results being that the County has a greater opportunity to recoup defaulted taxes and the landowners will have a greater return on the sale of the land. Moved by Supervisor Cash and seconded by Supervisor Cervantes to forego the bidding process and declare Bid4Assets, Inc., as a sole-source provider for conducting an internet tax-defaulted land auction; and approve a Contract between the County of Inyo and Bid4Assets, Inc., for the sale of tax defaulted parcels of land; and authorize the Treasurer-Tax Collector to sign on behalf of the County. Motion carried unanimously, with Supervisor Brown absent.
Treasurer/Internet Public Land Auction	Moved by Supervisor Cash and seconded by Supervisor Cervantes to authorize a public auction to be conducted, via the internet, to offer for sale to the highest bidder certain tax-defaulted parcels of land that are subject to the Tax Collector's Power to Sell. Motion carried unanimously, with Supervisor Brown absent.

CAO-GIS Mapping Project	<p>The County Administrator briefly described the proposed GIS mapping project, which should result in a centralized GIS mapping information system for the County. He explained that the reasons for this project being presented at this time, is (a) that the County has on Staff two people, Mr. Chris Howard in the Water Department and Ms. Chantel Beasley in Public Works, who are extremely knowledgeable and proficient in GIS technology; (b) that with the assistance of the IS Director, the work could be accomplished utilizing 2 days a week of Mr. Howard's time and 1 day a week of Ms. Beasley's time; and (c) that a non-general fund revenue source was identified. Mr. Chris Howard, GIS Coordinator, made a power point presentation, reviewing how a GIS mapping system would work. The County Administrator explained that the Board's conceptual approval of the project would mean that the program would proceed and be finalized during budget hearings.</p> <p>Moved by Supervisor Cash and seconded by Supervisor Cervantes to provide conceptual approval of a project to update and provide centralized coordination of the County's Geographic Information System (GIS) mapping efforts contingent on approval of the FY 2008-09 County Budget; and receipt of a FY 2008 Homeland Security Grant. Motion carried unanimously, with Supervisor Brown absent.</p>
BofS/Minute Approval	<p>Moved by Supervisor Bilyeu and seconded by Supervisor Cervantes to approve the minutes of Board of Supervisors Meetings of June 24, 2008 Regular Meeting, and the June 24, 2008 Special Meeting. Motion carried unanimously on a three-to-zero vote, with Supervisors Arcularius, Bilyeu and Cervantes voting yes, with Supervisor Cash abstaining and with Supervisor Brown absent.</p> <p>With regard to the minutes of the June 25, 2008 Special Meeting, the Clerk noted a correction on one of the names listed changing the person's opinion from oppose to support. Additionally, the Clerk informed the Board that should other corrections be found after approval, the minutes would be returned for Board approval of the corrections. Moved by Supervisor Bilyeu and seconded by Supervisor Cervantes to approve the minutes of the June 25, 2008 Special Meeting. Motion carried unanimously, with Supervisor Brown absent.</p>
Post Agenda	<p>The County Administrator presented the Board with a post agenda item, requesting the Board adopt a resolution certifying his declaration of an emergency as a result of floodwaters and mudflows, which destroyed property along the fire ravaged areas of Oak Creek. He explained that the disaster had occurred Saturday evening as a result torrential rains in the area burned by the Inyo Complex Fire above and around Oak Creek, which caused flooding and unleashed a wall of mud and debris, and that the Board is required to certify the emergency within 7-days of the declaration. Moved by Supervisor Bilyeu and seconded by Supervisor Cash to find that the need to certify the declaration of a local emergency arose after the Agenda for the July 15, 2008 Board of Supervisors Meeting was posted and there is a need for the Board to take action on this item prior to the next regularly scheduled Board Meeting. Motion carried unanimously, with Supervisor Brown absent.</p>
Resol. #2008-23/ Ratifying Local Emergency Declaration	<p>The County Administrator explained that in order for the County and other agencies affected by the disaster to be eligible for State disaster funds the Board is required by law to ratify the OES Director's declaration of the local emergency. On a motion by Supervisor Bilyeu and a second by Supervisor Cash, Resolution No. 2008-23, entitled "A Resolution of the Board of Supervisors, County of Inyo, State of California, Confirming and Ratifying the Declaration by the Director of Emergency Services for the County of Inyo, Proclaiming the Existence of a Local Emergency" was adopted: motion unanimously passed and adopted, with Supervisor Brown absent.</p>
Board Members and Staff Reports	<p>The Board Members reported on their activities during the preceding week, including information concerning a Department of Energy sale where they will be selling computers, office equipment and furniture to eligible non-profits and school districts; notification of additional road closures in the Olancho area, with a request that a discussion of these road closures be agendaized for Board discussion at a time when the Forest Service can participate; and a Northern Inyo Airport Advisory Committee ad hoc meeting.</p>
Public Comment	<p>The Chairperson announced the second public comment period and there was no one from the public wishing to address the Board.</p>
Recess/ Reconvene	<p>The Chairperson recessed the regular meeting at 12:45 p.m., to reconvene in closed session at 1:45 p.m., with all Board Members present except Supervisor Brown.</p>

- Closed Session to discuss and take action as appropriate on Agenda Items No. 24. **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. 25. **REAL PROPERTY NEGOTIATIONS [Conference With Real Property Negotiators Pursuant To Government Code §54956.8]** – Property – S.E. 1.07 acres of APN 02-133-02-00, Independence, California; Negotiating Parties – County administrator and Director of Public Works and Administrative Offices of the Courts (AOC) - Negotiations – Terms and Conditions of Potential Lease; No. 26. **PERSONNEL [Pursuant to Government Code §54957]** - Public Employee Appointment - Title – Director of Public Works; No. 27. **PERSONNEL [Pursuant to Government Code §54957]** - Public Employee Performance Evaluation - Title – County Counsel; No. 28. **CONFERENCE WITH LABOR NEGOTIATOR (Pursuant to Government Code §54957.6)** – Instructions to Negotiators re: wages, salaries and benefits – Title: County Counsel – Negotiator – as designated by the Board of Supervisors; No. 29. **PERSONNEL [Pursuant to Government Code §54957]** - Public Employee Performance Evaluation - Title – County Administrative Officer; and No. 30. **CONFERENCE WITH LABOR NEGOTIATOR (Pursuant to Government Code §54957.6)** – Instructions to Negotiators re: wages, salaries and benefits – Title: County Administrative Officer – Negotiator – as designated by the Board of Supervisors.
- Report on Closed Session The Chairperson recessed closed session at 4:15 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 regular meeting at 4:15 p.m., to 9:00 a.m., Tuesday, August 5, 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