



# County of Inyo Board of Supervisors

## August 12, 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, August 12, 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 Cash 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. Mr. Jon Klusmire, Museum Services Director, updated the Board on museum activities, including offering thanks to Kerri Powell of Lone Pine for her generous donation to pay for the new museum sign in Independence. Dr. Bob Harrington, Water Director, reported on the Green Book Amendment. He explained that the main office of DWP has not approved the wording as previously reported. He said that the City’s legal department has balked at some of the wording and they are working on revising the amendment. He said that he would keep the Board informed as to how this proceeds.

**Integrated Waste/ Nite Owl Contract**      Moved by Supervisor Cash and seconded by Supervisor Brown to approve the Contract between the County of Inyo and Nite Owl Transportation for waste tire hauling services, for the period of July 1, 2008 through June 30, 2009, in an amount not to exceed \$32,000, contingent upon the Board’s adoption of a FY 2008-09 budget; and authorize the Chairperson to sign. Motion carried unanimously.

**VSO/Medi-Cal Cert.**      Moved by Supervisor Cash and seconded by Supervisor Brown to approve the Subvention and Medi-Cal Certificate of Compliance for FY 2008-09; and authorize the Chairperson to sign. Motion carried unanimously.

**P.W./Department Update**      The Acting Public Works Director, Mr. Doug Wilson, updated the Board on the Department’s activities including a meeting he had with Southern California Edison on energy efficiencies for County facilities, and the Staff’s tour with Senator Feinstein’s Aids of the Death Valley roads.

**BofS/McKeon Letter Supporting PILT and SEA Act**      Supervisor Arcularius briefly reviewed the circumstances that predicated the letter to Senator McKeon requesting he support and co-sponsor the SEA Act, which would provide full funding of PILT. Moved by Supervisor Cervantes and seconded by Supervisor Cash to approve the letter to Congressman “Buck” McKeon asking that he support and become a co-sponsor of the SEA Act (HR 6779), which will provide full funding for PILT and the retooled Secured Rural Schools Program (SRS); and authorize the Chairperson to sign. Motion carried unanimously.

**CAO-Adv. Co. Resources/Final FY 2007-08 Grant Payments**      Moved by Supervisor Cash and seconded by Supervisor Cervantes to approve the final FY 2007-08 Supplemental Community Project Sponsorship Grant payments as follows for the completed Community Project Sponsorship Grant projects: A) Bishop Chamber of Commerce, \$2,500; B) Lone Pine Chamber Commerce \$2,500; Inyo Council for the Arts, \$3,000; C) Bishop Museum and Historical Society \$1,500; and D) Friends of the Mt. Whitney Fish Hatchery, \$1,400. Motion carried unanimously.

**Emerg. Serv./ Continuation of Oak Creek Mud Flows Emergency**      The County Administrator updated the Board on the status of on-going operations associated with the Inyo Complex Oak Creek Mud Flows disaster, including the replacement of culverts by Caltrans on U.S. Highway 395, routine status update via a multi-jurisdictional conference call, and a report that the DWP diversion is still in place. At the conclusion of his remarks, the County Administrator recommended that the Board continue the Inyo Complex Oak Creek Mud Flows emergency. Moved by Supervisor Bilyeu and seconded by Supervisor Brown to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.

District/Bishop  
Elementary  
Election  
Consolidation

County Counsel, Mr. Paul Bruce, provided additional information and further clarification on the request by the Bishop Union Elementary School District's request to consolidate their Bond election with the upcoming statewide General Election. He explained that the original documentation provided to the Board to request the consolidation contained a fatal error, which would have made it impossible for the Board to order the consolidation. He went on to say that because of the way in which the District had adopted their resolution making their consolidation request, the Superintendent had the ability to correct the error and submit the appropriate documentation within the timeline set by law. Moved by Supervisor Bilyeu and seconded by Supervisor Cash to approve the consolidation of the Bishop Union Elementary School District's Election on the Issuance of School Bonds with the statewide General Election to be held on November 4, 2008. Motion carried unanimously.

Recess/  
Reconvene

The Chairperson recessed the regular meeting at 9:40 a.m., to reconvene in closed session at 9:45 a.m., with all Board Members present.

Closed Session

The Board convened in closed session to discuss and take action as appropriate on Agenda Items No. 14. **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. 15. **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. 16. **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. 17. **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 - CAO Kevin Carunchio, and Labor Relations Administrator Sue Dishion; No. 18. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** Instructions to Negotiators re: wages, salaries and benefits - Employee Organization – Inyo County Probation Peace Officers Association (ICPPOA); Negotiators - CAO Kevin Carunchio, and Labor Relations Administrator Sue Dishion, and Chief Probation Officer Jim Moffett; No. 19. **PERSONNEL [Pursuant to Government Code §54957]** - Public Employee Performance Evaluation - Title – County Administrative Officer; No. 20. **PERSONNEL [Pursuant to Government Code §54957]** - Public Employee Performance Evaluation - Title – Director of Health and Human Services; No. 21. **CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION (Pursuant to Government Code §54956.9(a) – Sierra Club v. City of Los Angeles, Los Angeles Department of Water and Power – Inyo County Superior Court Case No. CVPT-05-37969 (III); and No. 22. CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION (Pursuant to Government Code §54956.9(a) – Pratt, et al. v. City of Los Angeles, et. al. – Los Angeles County Superior Court Case No. BG 394823.** The Chairperson recessed closed session at 10:30 a.m., to reconvene in open session, with all Board Members present.

Water Dept./  
Independence East  
Side Regreening  
Project

With regard to the Department's "request for direction on how to respond to LADWP's inquiry regarding the location of the well used to supply the Independence East Side Regreening Project, whether other uses besides irrigated pasture shall be incorporated into the project, and what method of irrigation shall be used to irrigate the project, per Staff's recommendation that in recognizing the potential costs and liabilities associated with relocating the well for the Project and the delays that have resulted from consideration of alternative uses for the project site, that the project be implemented as described in the scoping document and the LADWP's Mitigated Negative Declaration, modified to allow for sprinkler irrigation," Dr. Bob Harrington, Water Director, reviewed the history of the Independence Regreening Project. He explained that the County has received a letter from DWP regarding the placement of the well for this project, and reminded the Board that in the past the residents of Independence have identified alternative uses for the area including using a portion as a stable and/or a little league field. Dr. Harrington talked about the costs associated with an alternative use, as well as the CEQA requirements, which may be required should the project description be modified. He said that the County is responsible for the costs to hook the well up to the Town Water System.

Supervisor Bilyeu explained that he has concern with the current location of the well as identified by DWP because it's too close to the homes in that area. He said that he would support moving the location 100 yards to the east, which should help alleviate some of the noise problem. He also said that he would like DWP to consider sprinkler irrigation to help minimize standing water and mosquito infestations. Dr. Harrington said that he did not believe the move of 100 yards to the east would trigger an extensive CEQA review. Dr. Harrington indicated that costs associated with any environmental review requirements, which might result from the change of the project description, would be borne by the County. Fourth District Supervisor Elect, Marty Forney, concurred with Supervisor Bilyeu's remarks.

The Board and Staff continued to discuss the placement of the well in detail, including chlorination requirements should the well be hooked into the town water system. Ms. Nancy Masters, Independence resident, addressed the Board to support the original project and to identify several of her concerns, including the Board approving sprinklers, which is 3 acre feet of water, vs. flood irrigation, which is 5 acre feet. She asked that the County make sure that should the sprinkler method be unsuccessful that flood irrigation be reinstated.

Mr. Paul Lamos, Inyo County Water Commission, addressed the Board to support the concept of using a portion of the project area for ball fields. Supervisor Bilyeu explained that local interest in building the sports complex at the site has dropped off. He said he had suggested to those interested that they bring their comments forward during today's discussion, and noted that they have not appeared here today. Supervisor Bilyeu went on to say there are still quite a few people interested in having a corral for horses located at the northeastern section, by the current production well, which he would support.

Moved by Supervisor Bilyeu and seconded by Supervisor Cash to direct Staff to contact LADWP and request they review and evaluate the potential of putting the well a minimum of 100 yards east of the current project location, that they evaluate placing a 10 acre parcel on the northeast side as a potential site for future corrals and that they evaluate the use of sprinkler irrigation for the regreening of that section. Motion carried unanimously.

Planning/HOME  
Buyer Grant  
Program

Mr. Pat Cecil, Planning Director, reviewed the request for the Board to consider applying for a second round of HOME Grant Program funds for first-time homebuyers. The Board and Mr. Cecil discussed the request in detail. Mr. Cecil explained that the County needed to submit their application for the next 3-year grant cycle by August 15, 2008. He informed the Board that the debt ratio has been increased to 38% to allow more applicants the opportunity to qualify for funds and that this year's allocation for the County would be around \$800,000. He confirmed that the County would have to upfront the money for the loans and wait 6-8 weeks for reimbursement from the State. The Board and Mr. Cecil discussed issues, which were identified in the last funding cycle, with the Board expressing their concern that those issues had not been adequately resolved. Additionally, several Board Members noted the problems in the housing market, including the slow down of housing sales and the increase in foreclosures, as examples of why it may not be prudent to continue the County's involvement in this program. Several Board Members expressed their concern with the County continuing its participation in the housing mortgage business. The Board also discussed the request for approval of the guidelines. Several Board Members said they had questions concerning the guidelines and that they were unwilling to approve the guidelines as submitted. Moved by Supervisor Brown and seconded by Supervisor Bilyeu to not authorize the submittal of an application to the California Department of Housing and Community Development for funding under the Home Investment Partnerships Program (HOME Grant Program for First-Time Homebuyers) for FY 2008-09. Motion carried unanimously.

Recess/  
Reconvene

The Chairperson recessed the regular meeting at 12:00 p.m., to reconvene in open session at 12:05 p.m., with all Board Members present.

Ag. Comm./2007  
Crop and Livestock  
Report

The Agricultural Commissioner, Mr. George Milovich, provided copies of and presented the 2007 Annual Crop and Livestock Report. Mr. Milovich and the Board reviewed and discussed the statistics contained in the report.

Recess/  
Reconvene

The Chairperson recessed the regular meeting at 12:35 p.m., to reconvene in open session at 1:35 p.m., with all Board Members present.

Board Members and Staff Reports      The Board Members reported on their activities during the preceding week, including a Mental Health Advisory Board Meeting, the Standing Committee Meeting, a Wilderness Legislation update, an ESTA Meeting, and the meeting with Senator Feinstein’s Staff on a new wilderness proposal.

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 2:05 p.m., to reconvene in closed session, with all Board Members present, to continue discussion on previously identified closed session items.

Report on Closed Session      The Chairperson recessed closed session at 4:55 p.m., to reconvene in open session to receive a report on closed session. County Counsel reported that with regard to Agenda Item No. 22. **CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION (Pursuant to Government Code §54956.9(a) – Pratt, et al. v. City of Los Angeles, et. al.** – Los Angeles County Superior Court Case No. BG 394823, which is an action against LADWP, the County of Inyo Public Works Department, Bishop Plaza, members of the Tatum family, the Tatum Ranch, and numerous does, alleging property damage as a result of flooding caused by unusual rains on January 4, 2008, the Board in a unanimous vote, with Supervisors Arcularius, Cash, Brown, Bilyeu and Cervantes voting yes, authorized and directed the Office of County Counsel to defend and represent the County of Inyo and its Departments in this action.

Adjournment      The Chairperson adjourned the regular meeting at 5:00 p.m., to 9:00 a.m., Tuesday, August 19, 2008, 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*