



County of Inyo Board of Supervisors

September 9, 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, September 9, 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 Cash led the Pledge of Allegiance.

- Public Comment** The Chairperson announced the public comment period. Mr. Doug Hicks, General Manager of Pine Creek Mine, addressed the Board to say that he is being forced to file a subsequent lawsuit against the County in order to protect his rights. He said that he feels the Board is being misinformed on many issues surrounding the Pine Creek Mine, which he believes is prolonging the matter and which is a waste of taxpayer money. Mr. Sam Wasson, Bishop Resident, addressed the Board to oppose the Eastern Sierra and Northern San Gabriel Wild Heritage Act and the newly proposed wilderness being considered by Senator Feinstein. Mr. Bruce Cotton, Lone Pine Resident, also stated that he was opposed to the legislation and any further legislation because access for the disabled is not being considered.
- County Dept. Reports** The Chairperson announced the County Department Report period. The County Administrator reported that due to heavy rains in the southeastern portion of the County there had been a flash flood in the Shoshone area and one of the County patrol vehicles had been destroyed. Mr. Carunchio said the Deputy had escaped without injury but the vehicle was a total loss.
- CAO-Risk Mng./
Alt. CSAC Excess
Insurance Board** Moved by Supervisor Cash and seconded by Supervisor Cervantes to designate Kevin Carunchio, County Administrator, as the alternate representative to the CSAC Excess Insurance Authority Board of Directors. Motion carried unanimously.
- HHS-Hlth. Serv./
AIDS Consortium
Contract** Moved by Supervisor Cash and seconded by Supervisor Cervantes to approve Amendment No. 2 to the Agreement between the County of Inyo and the State of California for the AIDS Consortium-Ryan White Cares Program, increasing the grant by \$821 to a total amount not to exceed \$208,532 for the period of April 1, 2007 through March 31, 2010; and authorize the Chairperson to sign. Motion carried unanimously.
- P.W./E.S.
Engineering
Contract
Amendment** Moved by Supervisor Cash and seconded by Supervisor Cervantes to approve Amendment No. 5 to the Contract between the County of Inyo and Eastern Sierra Engineering, for engineering services, increasing the Contract for materials testing services for the Independence Airport Apron Improvement Project and for replacement of a culvert on North Oak Creek Road, by \$20,000 to a total not to exceed \$355,000; and authorize the Acting Public Works Director to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
- P.W. Dept. Update** The Acting Public Works Director, Mr. Doug Wilson, updated the Board on the Public Works and Road Department activities during the preceding week, including clean-up efforts in Shoshone, status of the Independence Reservoir Replacement Project, the Oak Creek Culvert Replacement Project, and a report on the road billings.
- BofS/E.S. and No.
San Gabriel Wild
Heritage Act** Supervisor Arcularius explained that after last week's meeting the Board had received a letter from Congressman McKeon in response to the Board's earlier letter regarding the Wild Heritage Act. She went on to say that as a result of the letter she felt further discussion on the legislation and what the Board wanted to see in a letter needed to take place. She reminded the Board that the legislation is due to be heard in both the House and Senate committees on Thursday. Supervisor Arcularius went on to read into the record a resolution, which she had drafted concerning a proposal for a new semi primitive land designation. The Board discussed and reiterated their position that the County's criteria needed to be considered when wilderness legislation impacting Inyo County is being considered. The Board expressed their support for the resolution drafted by the Chairperson and asked that it be included in the letters to Senator Boxer and Congressman McKeon.

The Board went on to talk about the legislation, including the number of WSA acreage which has are is being released, the amount of land in Inyo County which is designated wilderness and it's relation to the total amount of wilderness in the State of California, the comparison of the amount of wilderness in Inyo County compared to other States, and the fact that this legislation, as well as the proposal by the California Wilderness Coalition, will completely eliminate access to the mineral resources which are located in our local mountains. Mr. Dick Noles, Mr. Bruce Cotton and Mr. Sam Wasson addressed the Board to support opposing this and future wilderness legislation, as well as the resolution proposing the creation of a semi-primitive land designation. Mr. Gene Mathern, Lone Pine Resident, addressed the Board to make suggestions on how the Board should pursue opposing the wilderness legislation and Mr. Doug Hicks, Pine Creek Mine, commented on the concerns he has with the legislation which locks up our mineral resources, and diminishes our Nation's ability to remain self-reliant. Prior to calling a recess, the Chairperson continued this discussion to later in the meeting.

- Recess/
Reconvene The Chairperson recessed the regular meeting at 10:30 a.m., to reconvene in open session at 10:50 a.m., with all Board Members present.
- Parks/ADA Deck at
Diaz Lake The Deputy County Administrator, Mr. Chuck Hamilton, reviewed the proposal to build an ADA deck at Diaz Lake with volunteer labor and donated materials. Mr. Bruce Cotton, Lone Pine Resident and, as noted by the Chairperson, the man responsible for bringing this proposal to the Board, thanked the Board for their support, and presented the Board with a petition containing the signatures of members of the public who are also supporting the project. The Board heard from past Inyo County Supervisor Lefty Irwin, who briefly described the sequence of events, which had led to this project being presented today. Mr. Irwin recognized the contribution of Mr. Jerry Gable who assisted with the engineering for the project. Mr. Irwin recognized and thanked the Los Angeles Department of Water and Power for their generous donation of materials and engineering support, as well as those volunteers from the Bishop and Lone Pine Lion's Club who have graciously volunteered to build the deck. The Board acknowledged the accomplishment of bringing this project to fruition in such a short amount of time and thanked all those involved in the project. Moved by Supervisor Cervantes and seconded by Supervisor Bilyeu to A) acknowledge as received the report regarding the proposed construction of an ADA fishing deck at Diaz Lake; B) accept the donated materials to construct the project; C) make a finding that with the Notice of Exemption the County has complied with the California Environmental Quality Act; and D) authorize the access to the project site for those volunteers involved in the construction of the Project, contingent upon the Bishop Lions Club providing proof of acceptable liability and workers compensation/volunteer injury insurance to the County. Motion carried unanimously.
- BofS/E.S. and No.
San Gabriel Wild
Heritage Act Cont'd The Board continued to discuss the Eastern Sierra and Northern San Gabriel Wild Heritage Act. Moved by Supervisor Bilyeu and seconded by Supervisor Cervantes to authorize the Chairperson to sign a letter to Federal Legislators to identify Inyo County concerns with the legislation. Motion carried unanimously.
- Resol. #2008-43/
Semi-Primitive
Land Designation On a motion by Supervisor Bilyeu and a second by Supervisor Brown, Resolution No 2008-43 was adopted, proposing a "semi primitive" land use designation: motion unanimously passed and adopted.
- CAO-Adv. Co.
Res./Film Comm.
Report The Inyo County Film Commissioner presented his year-end report to the Board. The Film Commissioner reviewed the filming statistics and briefly reviewed the state of filming in Inyo County. The Board directed Staff to proceed with the development of an Inyo County Commercial Filming Permit.
- CAO-Gen./ESTA
Line of Credit The Board and Staff discussed the request by Eastern Sierra Transit Authority (ESTA) for a line of credit from Inyo County. Mr. Helms, Executive Director of ESTA, responded to questions from the Board. Ms. Alisha McMurtrie, Treasurer-Tax Collector, and Ms. Leslie Chapman, Auditor-Controller, told the Board that they had just recently learned of the ESTA request and recommended that this item be referred to the FAC for a recommendation. The Board expressed a need for additional information and concurred with the recommendation to have the request for an ESTA line of credit reviewed by the FAC. The Board and Mr. Helms' talked about (a) ESTA's ability repay a line of credit, (b) whether the amount being requested was sufficient to off-set the short fall, (c) a need to have ESTA's cash flow and financial information provided for review by the FAC, and (d) whether collateral for a loan would be needed.

The Board directed Staff to schedule a FAC meeting; agendize the ESTA request for a recommendation; and invite Mr. Helms and the Authority's Auditor to attend the meeting. The Board further directed that ESTA be notified of the date and time of the meeting so that they can provide the necessary financial information well in advance of the meeting.

Senior Pgrm./
Continuation of
IMAAA Contracts

The County Administrator began the discussion on the request for direction regarding the IMAAA Direct Services and Administrative Services contracts by giving a brief history of the County's involvement with IMAAA and the County's obligations under the contracts. He explained that Mono County is interested in performing the direct services for their clients under a separate contract between Mono County and IMAAA, and that Mono County is only willing to pay a portion of the obligations due for the Administrative Services Contract with very specific restrictions on how the funds are used. Mr. Carunchio said that there are differences between how Mono County plans on interpreting the age for services, and Inyo County, which follows the federal age requirements. He said that Staff's recommendations with regard to the County's continued involvement will provide the time for further negotiations and resolution of issues to happen, without reducing or eliminating services through the program. Ms. Sue Dishion, Acting IMAAA Director, concurred with the County Administrator's assessment of the current situation. Moved by Supervisor Brown and seconded by Supervisor Cash to approve the budgets proposed by the Inyo Mono Area Agency on Aging (IMAAA) Governing Board for continuing Inyo County's Direct Services and Administrative Services contracts with IMAAA, in conjunction with a revenue and cost-sharing proposal from Mono County, and direct Staff to continue working with Mono County to resolve issues regarding direct services to Mono County clients and other items as recommended in the Staff Report under Alternative 3. Motion carried unanimously.

Integ. Waste/Ord.
To Waive Disposal
Fee

Supervisor Brown declared a conflict because her husband is employed by a salvage company and left the meeting. The Chairperson opened the public hearing at 1:45 p.m., on an ordinance entitled "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Authorizing the Board to Waive Solid Waste Disposal Fees by Resolution, Permitting the Removal of Salvage Material from County Landfills and Amending the Definition of Solid Waste." The Deputy County Administrator reviewed the Staff Report and recommendations. The Board asked about whether this ordinance was going to allow the removal of salvageable materials from the landfills. The Deputy County Administrator explained that it would only allow the removal of those items which still have value and which are deposited in a certain area of the landfills and only removed under the authorization of the gate attendants. The Board questioned the title of the ordinance and wondered if more specific language on the removal of salvage would clarify what actually was being allowed to be removed. The Board chose to continue the current process rather than to make changes to the ordinance, which would require the ordinance adoption process to begin again. There being no one from the public wishing to address this issue, the Chairperson closed the public hearing at 2:00 p.m., Moved by Supervisor Cash and seconded by Supervisor Bilyeu to waive the first reading of the ordinance and schedule the enactment for 10:30 a.m., on Tuesday, September 16, 2008, in the Board of Supervisors Room, at the County Administrative Center, in Independence. Motion carried unanimously, with Supervisor Brown absent. At the conclusion of the motion, Supervisor Brown rejoined the meeting.

Emerg. Serv./Oak
Creek Mud Flow
Local Emergency

The County Administrator updated the Board on activities surrounding the Oak Creek Mud Flows. He reiterated his recommendation from previous weeks that the Board continue the local emergency until water is flowing in the natural channel of Oak Creek and the Oak Creek Culvert Replacement Project is completed. Moved by Supervisor Bilyeu and seconded by Supervisor Cervantes to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.

Board Members
and Staff

Due to the continuation of the Budget Hearings the Board Members postponed their Board Member reports with the exception of Supervisor Cash who reported on her appearance before the CPUC in Victorville on the 760 area code split. She reported that she was allowed to speak on behalf of the public and presented letters which the Board had received opposing the CPUC changing their decision. She said that she was the only speaker at the Victorville meeting and that she had learned that over 300 people spoke at the Carlsbad meeting the following evening. Supervisor Cash said that the decision regarding the petition for an amendment to the decision will be considered by the CPUC in October. Supervisor Brown requested that today's meeting be adjourned in memory of Mary Taylor who passed away recently and who was a long-time resident of Bishop and Dr. Muth's receptionist.

Public Comment The Chairperson announced the second public comment period and there was no one from the public wishing to address the Board.

Recess/
Reconvene The Chairperson recessed the regular meeting at 2:10 p.m., to reconvene in the Budget Hearings. Upon recess of the Budget Hearings the Chairperson reconvened in open session at 4:45 p.m., with all Board Members present.

Closed Session County Counsel pulled the scheduled closed session items as follows, explaining that these items would be rescheduled: 15. **PERSONNEL [Pursuant to Government Code §54957]** - Public Employee Performance Evaluation - Title – County Administrative Officer; 16. **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; and 17. **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.

Report on Closed
Session There was no report on closed session because the closed session items were pulled from the Board’s consideration and are being rescheduled.

Adjournment The Chairperson adjourned the meeting in memory of Mary Taylor a long-time Bishop resident. The Chairperson adjourned the meeting at 4:45 p.m., to 9:00 a.m., Tuesday, September 16, 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