



County of Inyo Board of Supervisors

October 14, 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, October 14, 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 Brown 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. Dr. Bob Harrington, Water Director, updated the Board on the Independence Regreening Project. The Agricultural Commissioner, Mr. George Milovich, introduced Mr. Jeff Stravenski, the Consultant on the Natural Beef Study, to the Board. Retiring Chief Probation Officer, Mr. Jim Moffett, thanked the Board and past Board's for their support during his tenure with Inyo County and commended the Board on their selection of Mr. Jeff Thomson as his successor. The County Administrator provided additional information regarding the Natural Beef Study.

County Counsel/ Dept. Conflict Codes Moved by Supervisor Cash and seconded by Supervisor Cervantes to approve the 2008 Departmental Conflict of Interest Code Biennial Reports and 2008 Conflict of Interest Codes as recommended by Staff. Motion carried unanimously.

County Counsel/ Agency Conflict Codes Moved by Supervisor Cash and seconded by Supervisor Cervantes to approve the Local Agency Conflict of Interest Code Biennial Reports and Conflict of Interest Codes as recommended by Staff. Motion carried unanimously.

HHS-Soc. Serv./ Child Welfare System Plan Moved by Supervisor Cash and seconded by Supervisor Cervantes to approve the Child Welfare System Improvement Plan and verify local coordination and integration in the planning process for immediate submittal to the State as required by AB 636. Motion carried unanimously.

HHS-Hlth Serv./ Medical Marijuana The request by the Health and Human Services Department for approval of the Medical Marijuana ID Program was pulled from consideration at the request of the Department.

P.W./County Serv. Bldg. Reroofing Moved by Supervisor Cash and seconded by Supervisor Cervantes to approve the plans and specifications for the Bishop County Services Facility Reroofing Project and authorize the Public Works Director to advertise and bid the project. Motion carried unanimously.

Resol. #2008-46/ P.V. Road Completion On a motion by Supervisor Cash and a second by Supervisor Cervantes, Resolution No. 2008-46 was approved accepting the improvements and authorizing the recording of a Notice of Completion for the Pleasant Valley Dam Road Improvement Project; motion unanimously passed and adopted.

P.W./Dept. Update Mr. Doug Wilson, Acting Public Works Director, updated the Board on department activities including, notification that the Independence Water Tanks are not quite ready to be brought on line. Mr. Wilson also reported on the status of Oak Creek Bridge, which was the subject of a letter provided to the Board last week. He said that preliminary investigations indicated that the bridge is a part of the County's maintained mileage system. He said additional research into the history of the bridge shows that there has never been guardrail on the bridge. He informed the Board that he would continue to investigate the bridge and report back on his findings.

P.W./B.P. Care Facility Demolition The Acting Public Works Director, Mr. Doug Wilson, reported that the estimate for the demolition of the Big Pine Care facility is \$262,000. He talked about the types of asbestos, which are present in the facility, and level of disposal for friable and non-friable asbestos. He noted that the County Administrator had provided the Board with a subsequent memo, which identifies another possible alternative for use of the property.

The County Administrator, Mr. Kevin Carunchio, explained that his memo identified a possible alternative for the site to be used as a water bottling facility. He said it was a very preliminary idea. He reviewed the process which would be followed should the Board wish to pursue this idea further, including using a professional firm to develop a very specific RFP for the project. Mr. Carunchio briefly described some of the benefits, which might be derived by the County as a result of this type of facility. The Board and Staff continued to discuss this alternative, as well as the other alternatives identified by Staff. Supervisor Bilyeu explained that he believes the building needs to be demolished because of the liability issues surrounding the facility. Supervisor Brown said that she would like to have a public meeting in Big Pine to advise the Community of the cost of the demolition and to get the community's input on the alternatives. The Board Members all agreed they felt it was important to have a community meeting in Big Pine to discuss the most recent information and indicated that they want this meeting to be a part of a regular Board of Supervisors Meeting.

The Board and Staff continued to discuss a variety of alternatives for the facility and the property including (a) the viability of a company pursuing a lease if they are required to demolish the facility and/or rehabilitate the animal shelter, (b) the cost of postponing the demolition; (c) increased costs for delaying the demolition of the facility; (d) securing the facility without demolishing it; (e) evaluating the potential for a water bottling facility; and (f) recommendations regarding the development of an RFP for a specific project, i.e., water bottling plant.

Moved by Supervisor Bilyeu and seconded by Supervisor Cervantes to direct the Public Works staff coordinate the scheduling, with the Clerk of the Board, of a continued Board of Supervisors Meeting for a Tuesday, in the near future, to be held in Big Pine to discuss with the community the demolition costs and the alternatives for the facility and the property; and concurrently that the County Administrator, the Auditor, and the Public Works Director identify a revenue source to cover the demolition costs and/or costs to secure the facility; and the Water Department develop the statistics on the viability of the water resources on the property in correlation with a water bottling operation. Motion carried unanimously.

Road Dept./Oak
Creek Culvert
Project

Supervisor Brown declared a conflict because her husband works for the company, which supplied the culvert and left the meeting. The Acting Public Works Director, updated the Board on the culvert replacement project on North Oak Creek Road. Ms. Margaret Wood, District Ranger, addressed the Board to clarify the issues the Forest Service has with the project, including a request for a set of plans for the culvert and headwall, the hydrologic calculations used to determine the size of the culvert, consideration of a fish passage in the design, plans for the remainder of the road, and lack of erosion control on the land surrounding the project. Mr. Wilson explained that the culvert and headwall were being replaced under an emergency order, that while not exactly identical to those which were destroyed in the mudflows, the headwall is a Caltrans approved design and the culvert is of the same size and material as the one destroyed.

The Board expressed its concern with the Forest Service's reluctance to participate in "coordination" when the County made the formal request several months ago regarding the Travel Management Plan, and then citing the need for coordination in this instance. The Chairperson noted that the culvert replacement project, which has been ongoing over the last several months, has not been conducted in a "vacuum," but in a very public and open environment. The County Administrator reviewed the chronology of meetings and phone calls, which have consistently been taking place since the disaster, in which most of the effected parties, including, early on, the Forest Service, have been participating.

The Board and Ms. Wood went on to talk about the fish passage and what the Forest Service thought the County's obligations were regarding erosion control. The Board explained that the mudflows had happened because of the Forest Service's lack of erosion control after the Inyo Complex Fire, and wondered how the Forest Service had determined it was now the County's responsibility to protect the watershed above and below the project, when the County's responsibility is the road. Ms. Wood's explained that the Forest Service was simply interested in erosion control for those areas around the road that are disturbed as a result of the work being performed on the project. The Board then queried Ms. Wood on the Forest Services' project approval authority, with Ms. Wood explaining that the Forest Service's involvement was not necessarily project approval but advisory to assist the County in meeting the Forest Services' requirements regarding those areas disturbed by the County, which may be under the Forest Service's jurisdiction and would be part of the County's responsibility under its road right of way agreement, if one exists.

Ms. Wood's introduced Forest Service Engineer Olin Beal, who provided additional clarification on the Forest Service's requests regarding this project. The Board and Mr. Beal talked about the Forest Service questions concerning a fish passage. Mr. Beal explained that the Forest Service may have requested the County change the culvert specifications to allow for a natural fish environment, i.e., rocks and sand, to be placed on the bottom of the culvert to make it a more inviting passageway for the fish. The Board questioned the need for such an item, who would have paid for the expanded project, as well as how long this emergency project might have been delayed if the County had been obligated to make this change.

The Board expressed a desire to see the lines of communication between the County and the Forest Service enhanced on this project and asked the Acting Public Works Director to conduct an on-site tour of the project with Ms. Wood and Mr. Beal today to ascertain what the County might do to assist the Forest Service.

At the conclusion of the discussion, Supervisor Arcularius thanked Ms. Wood for her offer to help improve communications between the County and Forest Service. Supervisor Arcularius explained that the "coordination process" she had referred to is a more formal requirement, which the County is committed to pursuing.

- Recess/
Reconvene The Chairperson recessed the regular meeting at 10:50 a.m., to reconvene at 11:05 a.m., in open session with all Board Members present.
- Water Dept/Defer
Instructions The Water Director, Dr. Bob Harrington, explained that the back up information for the items on the Agenda for the upcoming Standing Water Committee meeting would not be finalized until after the three week deadline, established by the Committee, for agenda materials to be provided to the representatives, thus the request for authorization to postpone the discussion for one week. The Board agreed that the direction to the Standing Committee Representatives be deferred to the October 21, 2008 Board of Supervisors meeting.
- District/Mesa CSD
Appointments The County Administrator explained that the County had been notified that the Mesa Community Services District did not have a quorum on the Governing Board and with that notification it became the Board of Supervisors responsibility to fill the quorum. Moved by Supervisor Brown and seconded by Supervisor Bilyeu to direct the notice of vacancies be published for the Mesa Community Services District Governing Board, with the requests for appointment being returned as soon as possible for the Board's consideration. Motion carried unanimously.
- Emerg. Serv/
Emergency Cont'd. The County Administrator explained that as a result of the previous discussion regarding the County's culvert replacement project on N. Oak Creek Road and until the water is returned to the natural channel of Oak Creek, that the emergency be continued. Moved by Supervisor Bilyeu and seconded by Supervisor Cash to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.
- Board Members
and Staff Reports The Board Members reported on their activities during the preceding week, including a report on the Lone Pine Film Festival, the Lone Pine Wellness Center open house, a meeting with the Bishop Tribe regarding the "semi-primitive" land designation, a Mental Health Board Meeting, an legislative update, and the visit from the Director of the California Department on Ageing who acknowledged the magnitude of and commended Inyo County on its \$330,000 contribution from General Fund to the Senior Services Program to ensure continued services.
- Public Comment The Chairperson announced the second public comment period. Mr. Doug Wilson, Acting Public Works Director, reported on the tour he had conducted with representatives of the Forest Services of the N. Oak Creek Culvert Road Replacement Project. He said that it had been successful in that the County will only have to extend the riprap, which the County was already going to install, a little further up and down the channel than planned. The Board thanked Mr. Wilson for his quick and successful resolution of the matter.
- Recess/
Reconvene The Chairperson recessed the regular meeting at 11:45 a.m., to reconvene in closed session, at 12:45 p.m., with all Board Members present.

- Closed Session The Board met in closed session to consider and take action as appropriate on Agenda Items No. 17. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(c)]** Sierra Club & Owens Valley Committee v. City of Los Angeles, Los Angeles Department of Water and Power, et al, Inyo County Superior Court Case No. SICVCV 08-46888 (IV); No. 18. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION [Pursuant to Government Code §54956.9(c)]** – Decision whether to initiate litigation (one case); No. 19. **PERSONNEL [Pursuant to Government Code §54957]** - Public Employee Performance Evaluation - Title – Director Water Department; No. 20. **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. 21. **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. 22. **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. 23. **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 No. 24. **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. Supervisor Cash left the meeting at 4:35 p.m.
- Report on Closed Session The Chairperson recessed closed session at 6:18 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 6:18 p.m., to 9:00 a.m., Tuesday, October 21, 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