

# MINUTES

# County of Inyo Board of Supervisors

## October 21, 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, 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 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, reported on museum activities including the Museum's 80<sup>th</sup> birthday celebration sponsored as a fundraiser by the Friends of the Museum, and notification that the Museum is now open 7 days a week. Ms. Linda Benson, Assistant Director of Health and Human Services, notified the Board of a situation with regard to the flu vaccination process at the local schools. She said that the Department would bring forth an agenda item for a policy discussion with the Board regarding this matter.

**Public Comment** The Chairperson reopened the public comment period. Ms. Beverly Vanderwall of Lone Pine asked the Board when the County was notified that Caltrans would be red curbing portions of Main Street in Lone Pine? The Chairperson noted that her recollection was that the Board was notified during a brief report made by Caltrans during the public comment period. She explained that the Board is precluded from engaging in dialog during the public comment period and requested the Assistant Clerk of the Board to research the minutes of previous Board of Supervisors meetings and provide Ms. Vanderwall, with a copy of the audiotape.

**County Department Reports** The Chairperson resumed the County Department Report period and Dr. Harrington, Inyo County Water Director, updated the Board on the Owens Valley Water Management Plan. Dr. Harrington said that the Plan was available on CD and he would provide copies to the Board.

**Forest Serv./ Travel Management Plan Update** Mr. Jim Upchurch, Inyo Forest Supervisor, updated the Board on the status of the Travel Management Plan. Mr. Upchurch invited the Board to participate in a driving tour, which is scheduled this weekend. He explained that these driving tours are on the ground visits to several of the affected roads, wherein the Forest Service will explain how the various alternatives will affect a sample route. Mr. Upchurch and the Board discussed the schedule for the comments on the environmental document. The Board expressed concern with the Forest Service only giving the public 45 days to respond to the environmental document and said they would be sending a letter officially requesting the comment deadline be extended. The Board questioned the numbers of comments received, with Mr. Upchurch acquiescing that the Forest Service could better clarify how the comments are portrayed. Mr. Upchurch went on to briefly talk about the retooled Rural Schools legislation and how some of the changes could impact Inyo County. The Board talked about the importance of the coordination process between the County and the Forest Service.

**Sheriff-RAN/In Car Cameras Bishop P.D.** Moved by Supervisor Brown and seconded by Supervisor Cervantes to declare Watch Guard Digital a sole source provider of in-car camera systems and authorize the purchase of two Watchguard Digital In-Car Camera Systems from Watch Guard Digital, for the Bishop Police Department, in an amount not to exceed \$10,721.13 including tax and shipping. Motion carried unanimously.

**Emerg. Serv./ Training Contract** The Chairperson corrected the spelling of the Contractor's name from Wildham to Willdan. Moved by Supervisor Brown and seconded by Supervisor Cervantes to approve the Contract between the County of Inyo and Willdan Homeland Solutions of Anaheim, CA, for the provision of ICS 300-400 training to Inyo County First Responders in an amount not to exceed \$58,885 for the period of October 1, 2008 through October 1, 2009, contingent upon the Board's adoption of future budgets and authorize the Chairperson to sign. Motion carried unanimously.

Recess/ Reconvene	The Chairperson recessed the regular meeting at 10:05 a.m., to reconvene in open session at 10:20 a.m., with all Board Members present.
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 development of a pavement management plan and scheduling a workshop on the plan, status of the County's Bike Plan, and repairs to Saline Valley Road.
P.W./No. Inyo Airport Comm. Appointments	Moved by Supervisor Cash and seconded by Supervisor Brown to appoint Mr. Rex Allen, Ms. Monica Allen, and Mr. John Rosenthal to the Northern Inyo Airport Advisory Committee to complete four year terms beginning November 1, 2008 and expiring on October 31, 2012 and Mr. Bradley Wyatt to the Committee to complete a three-year term beginning November 1, 2008 and expiring on October 31, 2011. Motion carried unanimously.
BofS/Healthy Communities Solar Panel Donation	Mr. Charles James, Executive Director of Healthy Communities, addressed the Board to formally request that the solar panels at the Big Pine Convalescent facility be donated to his organization so they can be refurbished and used at the Independence and Lone Pine pools to heat the water. The Board and Staff discussed how to best accomplish this request, with County Counsel confirming that it would expedite the process if the Board would donate the surplus panels to the Independence and Lone Pine School Districts. Staff informed the Board that they would be presenting an Agenda Item next week, for the Board to consider the actions needed to donate the solar panels to the Schools. Mr. James thanked the Board for their continuing support of Health Communities.
Rd. Dept./Culvert Replacement	Supervisor Brown declared a conflict because her husband is employed by the company that supplied the culvert and left the meeting. The Acting Public Works Director, Mr. Doug Wilson, updated the Board on the culvert replacement project on North Oak Creek Road. He reported that the issues identified by the Forest Service have been resolved, in that the County is going to provide the Forest Service with a copy of the Caltrans specifications on the head wall being used, the dimension and other pertinent information on the culvert, and the mix description for the concrete as well as the strength test results. He also said that he would be investigating the possibility that the County may qualify for Federal funding assistance for the roadwork. At the conclusion of the discussion, Supervisor Brown rejoined the meeting.
Resol. #2008-47/ Tecopa Hot Springs Park Lease	<p>The Deputy County Administrator, Mr. Chuck Hamilton, reviewed the request for authorization to negotiate the lease for the Tecopa Hot Springs Park and Campground with BLM. He explained that the lease expired several years ago, and the BLM has allowed the County to continue its operations under the expired lease, until issues surrounding the sewage lagoon could be resolved. Mr. Hamilton explained that the Board of Supervisors has set aside Prop 40 funds to cover the cost of fixing the lagoon and that if the Prop 40 funds are not expended by March of 2011 the County will forfeit the money. He reviewed the history of the County's on-going attempts to identify a corrective action plan for the lagoon and that the P.W. Department has determined that the most cost effective correction would be to relocate the waste in the pond to a neighboring facility which we are now able to lease, dry out the pond and repair the berm. Mr. Hamilton briefly touched on the NEPA process for this project, with Supervisor Bilyeu noting the variety of endangered or sensitive creatures and plants identified with this project. The Board and Staff continued to discuss the project.</p> <p>Moved by Supervisor Cervantes and seconded by Supervisor Brown to A) approve Resolution No. 2008-47, authorizing the negotiation and renewal of the lease between the County of Inyo and the Bureau of Land Management for the property utilized as the Tecopa Hot Springs Park and Campground with the completed lease to be brought back for Board signature at a later date; B) amend the FY 2008-09 Tecopa Sewage Lagoon Project Budget Unit (# to be determined by the Auditor) by increasing estimated revenue in State Grants (<i>Revenue Code #4498</i>) by \$150,000 and increasing appropriations in Internal Charges (<i>Object Code #5121</i>) by \$150,000; and C) amend the FY 2008-09 Parks and Recreation Budget Unit 076998 by decreasing estimated revenue in State Grants (<i>Revenue Code #4498</i>) by \$60,000 and decreasing appropriations in Site Improvements (<i>Object Code #5645</i>) by \$60,000. Motion carried unanimously.</p>
P.W./Tecopa Sewage Pond Repair	The Acting Public Works Director, explained that in light of the Board's actions regarding the Tecopa Sewer Pond Repair in the previous item, the actions being requested will facilitate the Public Works Department moving forward with the project. Moved by Supervisor Cervantes and seconded by Supervisor Bilyeu to A) amend the FY 2008-2009 Public Works Budget Unit 011500, by increasing revenue in Intra-County Charges ( <i>Revenue Code #4821</i> ), by \$121,000 and increasing appropriations in Other Professional Services, ( <i>Object Code #5265</i> ) by \$121,000, contingent upon Board approval of the Parks and Recreation Department's agenda item requesting a budget amendment to the Tecopa Hot Springs Park Lease Renewal and Sewage Pond Repair Project Budget, which is scheduled for

today's board meeting; B) approve Amendment No. 4 to the Contract between the County of Inyo and MHA/RMT of San Mateo, California for environmental consulting services, increasing the contract amount from \$210,000 to \$300,000 for the Tecopa Hot Springs Park Lease Renewal and Sewage Pond Repair Project, and extending the term of the contract from an ending date of December 31, 2008, to an ending date of December 31, 2009, contingent upon the Board's adoption of future year budgets; and authorize the Acting Public Works Director to sign, contingent upon the appropriate signatures being obtained; and C) approve Amendment No. 6 to Contract between the County of Inyo and Eastern Sierra Engineering (ESE) of Reno, Nevada for engineering services, increasing the contract amount from \$355,000 to \$386,000 for the Tecopa Hot Springs Park Lease Renewal and Sewage Pond Repair Project; and authorize the Acting Public Works Director to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.

Water Dept./  
Standing Comm.  
Agenda

Dr. Bob Harrington, Water Director, advised the Board that LADWP General Manager, David Nahai has requested, due to a scheduling conflict, that the Standing Water Committee meeting be rescheduled to either having the meeting in Los Angeles on the 5<sup>th</sup> of November, or set for the following day on November 6<sup>th</sup>, in the Owens Valley. While the Board was exasperated with another scheduling conflict, they were unwilling to cancel the meeting. The Board instructed the Water Director to reschedule the meeting for November 6, 2008, to facilitate Mr. Nahai, who was scheduled to be in the Owens Valley that day for other Department business and keep them apprised as to the new location for the meeting. The Board and Dr. Harrington proceeded to review the items agendized for the Standing Committee Meeting, agree with Staff's recommendations on the items except for Item No. 5. The Board directed that the new protocol for implementing annual seasonal habitat flows not be adopted, because the responsibility of the Standing Water Committee in this matter is clearly defined by Court documents and a change would contradict the responsibilities of the Standing Committee.

Emg. Serv./Cont'd.  
Emergency

The Public Works Director provided further information concerning the status of the bridge identified in Ms. Judy Biggs, Oak Creek Property Owner's, earlier letter to the Board. Mr. Wilson confirmed that the bridge is in the County's maintained mileage; that because of some longstanding confusion regarding the ownership, the County has not maintained the bridge in the past. He said it looks like the bridge never had guardrails and that an evaluation is being conducted as to the need for them in light of the impact from the mudflows. Dr. Harrington, addressed the request to have water returned to the ditch also noted in Ms. Biggs' letter, saying that he would have a more detailed report in the coming weeks. The County Administrator requested that the emergency be continued until water is returned to the natural channel of Oak Creek and the culvert replacement project is completed. 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.

BofS/Minute  
Approval

Moved by Supervisor Brown and seconded by Supervisor Cash to approve the minutes of the October 7, 2008 Board of Supervisors Meeting. Motion carried unanimously.

Recess/  
Reconvene

The Chairperson recessed the regular meeting at 1:05 p.m., to reconvene in open session at 2:05 p.m., with all Board Members present.

Board Members  
and Staff Reports

The Board Members reported on their activities during the preceding week, including notification that the CPUC has overturned their original ruling and ordered an overlay for the 760 area code, an OHV meeting, Chief Moffett's retirement ceremony at the Court, an LTC meeting, a tour of the LORP, a meeting with representatives of the California Wilderness Association, birthday celebration for the Museum's 80<sup>th</sup> birthday, the Geiger memorial service, an ESTA Meeting, an upcoming meeting with Mary Nichols of the Air Resource Board in Sacramento, a report that the CAO will be attending the Annual County Administrator's Conference, notification of the Stewards of the Range Annual Conference in Austin, Texas, with a request that the Assistant Clerk make travel arrangements for Supervisors Arcularius, Cash and Brown to attend, and notification that the County Superintendent of Schools and the Superintendents of the various School Districts in the County have requested the Board of Supervisors enact a "truancy" ordinance, which staff will be bringing back in the future.

Public Comment

The Chairperson announced the second public comment period and Supervisor Elect Marty Fortney addressed the Board regarding the status of the Big Pine Care facility because he was not available during last week's discussion. He told the Board he thinks the building needs to be demolished because of the liability it poses. The Board briefly explained last week's discussion surrounding this issue and after Staff informed the Board they were working to identify funding sources for paying for the cost of demolition and would be prepared to present this information in the next week or two, directed this item be agendized for next week's Board of Supervisors meeting.

Closed Session

The Chairperson recessed closed session at 2:30 p.m., to convene in closed session, with all Board Members present, to discuss and take action as appropriate on Agenda Items No. 16. **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. 17. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION [Pursuant to Government Code §54956.9(c)]** – Decision whether to initiate litigation (one case); No. 18. **PERSONNEL [Pursuant to Government Code §54957]** - Public Employee Performance Evaluation - Title – Director Water Department; No. 19. **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. 20. **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. 21. **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. 22. **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. 23. **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

Report on Closed Session

The Chairperson recessed closed session at 7:30 p.m., to reconvene in open session, to receive a report on closed session. County Counsel reported the following: regarding Agenda item No. 16. **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), this is a law suit brought by the Sierra Club and the Owens Valley Committee against the City of Los Angeles Department of Water and Power and the County of Inyo alleging violations of the Memorandum of Understanding (MOU) relating to the Long Term Water Agreement and specific allegations pertaining to the adaptive management plan identified by the MOU, the Board in a unanimous decision, with Supervisors Arcularius, Cash, Brown, Bilyeu and Cervantes voting yes, authorized and directed the Office of County Counsel to defend and represent the County in this litigation; and regarding Agenda Item 17. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION [Pursuant to Government Code §54956.9(c)]** – Decision whether to initiate litigation (one case), the Board in a four-to-one decision, with Supervisors Arcularius, Cash, Brown and Bilyeu voting yes, and with Supervisor Cervantes voting no, directed that the County of Inyo enter into the licensing application hearings to be conducted by the Nuclear Regulatory Commission for a permit to construct the Yucca Mountain Nuclear Waste Repository as an interested governmental participant.

Adjournment

The Chairperson adjourned the regular meeting at 7:30 p.m. to 9:00 a.m., Tuesday, October 28, 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*