

MINUTES

County of Inyo Board of Supervisors

October 28, 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 28, 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 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 Dept.
Reports The Chairperson announced the County Department report period. There were no reports forthcoming.
- CAO-Inyo
Complex Fire/
Water Tank Lease Moved by Supervisor Bilyeu and seconded by Supervisor Cervantes to declare BakerCorp of Los Angeles as the sole-source provider of temporary water tanks for the Independence town water supply; and authorize the continued rental of 5 temporary water tanks at the rate of \$10,500 per month for an additional 2 months, plus \$5,500 for the removal and transportation of the tanks back to Los Angeles, for a total amount not to exceed \$163,000. Motion carried unanimously.
- CAO-Purchasing/
Printing Bid Moved by Supervisor Bilyeu and seconded by Supervisor Cervantes to award Bid No. 2008-05, Printing for FY 2008-09, to The Hanigan Company and authorize purchase orders to be approved by various County departments for printing through this bid for FY 2008-09. Motion carried unanimously.
- BofS/Out of State
Travel Moved by Supervisor Bilyeu and seconded by Supervisor Cervantes to accept notification of out of state travel for County Administrator and several Board Members to attend the Stewards of the Range Annual Conference in Austin, Texas. Motion carried unanimously.
- County Counsel/
Conflict Codes Moved by Supervisor Bilyeu and seconded by Supervisor Cervantes to receive and approve Conflict of Interest Code Biennial Reports from A) the Bishop Union Elementary School District; B) Independence Fire Protection District; and C) Olancha Community Services District. Motion carried unanimously.
- HHS-HIV/AIDS
Drug Assistance
Program Moved by Supervisor Bilyeu and seconded by Supervisor Cervantes to approve the Agreement between the County of Inyo and State of California Department of Public Health, Office of AIDS (OA), AIDS Drug Assistance Program (ADAP); and authorize the Director of Health and Human Services to sign. Motion carried unanimously.
- P.W./Mojave
Desert Heating &
Cooling Contract Moved by Supervisor Bilyeu and seconded by Supervisor Cervantes to award the bid to and approve the Contract with Mojave Desert Heating and Cooling, Inc., for the replacement of a one and one-half ton, roof top, gas pack, heating and air-conditioning unit on the Inyo County Jail and Administration Building in Independence, in an amount not to exceed \$5,850, including tax and installation; authorize the Chairperson to sign the contract contingent upon the appropriate signatures being obtained; and authorize the payment of \$5,850 to Mojave Desert Heating and Cooling, Inc., for the purchase and installation of the equipment. Motion carried unanimously.
- Rd. Dept./Diesel
Retrofit Equipment
Purchase
Authorization Moved by Supervisor Bilyeu and seconded by Supervisor Cervantes to declare Silver State International as a sole-source provider of "best available control technology" diesel engine retrofit equipment (DPF units) and approve the purchase of two DPF units from Silver State International in an amount not to exceed \$16,856.32, including tax. Motion carried unanimously.

- P.W./Dept. Update The Acting Public Works Director, Mr. Doug Wilson, reported on the Department's activities during the preceding week including participation in a conference call with the Forest Service on the retooled Secure Rural Schools funding requirements. Mr. Wilson reported that during the conference it was learned that the funding received by the counties under this legislation would be deducted from the PILT receipts. He also briefly talked about the preliminary estimates for Inyo County's allocation under each of the funding options. The County Administrator reported that he had met with former Inyo County Superintendent of Schools, George Lozito, about the schools desires regarding the option the County chooses. Supervisor Arcularius, who also participated in the conference call provided information on this legislation and said that because of the deadlines associated with the legislation, the County Administrator will be bringing an agenda item before the Board, next week, for consideration of a decision regarding the funding options. Mr. Wilson also reported that the Independence Airport Apron project is nearing completion and responded to questions from the Board regarding the project design.
- P.W./B.P. Care The Acting Public Works Director reported that one of the solar panels has been removed from the
Facility Solar Panel roof of the Big Pine Care facility and is now available for inspection by the schools, should the Board
Surplus Donation authorize the donation of the panels as requested. Moved by Supervisor Bilyeu and seconded by
Supervisor Brown to declare the solar panels located on the roof at the former Big Pine Care facility
as surplus and donate them to the Independence and Lone Pine Schools to heat the swimming pools
at each school; and request the schools insure the County against claims or damages resulting from
the removal of the solar panels. Motion carried unanimously.
- Rd. Dept./Oak Supervisor Brown declared a conflict because her husband is employed by the company that
Creek Culvert provided the culvert and left the meeting. Mr. Doug Wilson, Acting Public Works Director, reported
Replacement that both the Department of Fish and Game and the Forest Service are satisfied with the project and
Project their issues appear to be resolved. He told the Board he expects the project to be completed in three
weeks to a month and briefly reviewed the concrete pouring process being utilized. At the
conclusion of the report, Supervisor Brown rejoined the meeting.
- Emerg. Serv./Local The County Administrator reported that more agencies than in the recent past participated in last
Emergency week's conference call on the Inyo Complex Oak Creek Mud Flows emergency. He informed the
Continued Board that the Forest Service is pursuing grant funds for erosion work that they hope to use as
leverage for other grant opportunities. The CAO also reported that DWP is apparently now the target of
one of the agencies concerning their diversion, and questioned why, explaining that the permanent
diversion is not only used by the Department in their management operations, but is integral to
managing the spring runoff each year. With regard to the letter received from Judy Biggs regarding the
Oak Creek Road Bridge, the Acting Public Works Director reported that temporary barricades have
been placed on the bridge. Dr. Bob Harrington, Water Director, advised the Board that the authority for
water rights in the ditch below the bridge, lies with the State Water Resources Board. He said that he
has furnished this information to Ms. Biggs in a memo, which he copied to the Board. Mr. Carunchio
recommended that the local emergency be continued until the culvert replacement project on No. Oak
Creek Road is completed and until water is returned to the natural channel of Oak Creek. 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.
- Forest Serv./Travel The County Administrator explained that the request for the Forest Service to extend the deadline for
Plan EIS Comment comments on the Travel Management Plan EIS was a result of last week's discussion with Jim
Period Extension Upchurch, Forest Supervisor, wherein the Board learned the Forest Service anticipates giving only
the minimum 45 days for comments. He explained that the Board wanted to be proactive in making
the request for an extension. Supervisor Cash asked that the word "which" be inserted after the
word "comments" in the second paragraph, last sentence, and that the comma after "discussions" in
the same notation be deleted. Moved by Supervisor Cash and seconded by Supervisor Brown to
approve the letter to Mr. Jim Upchurch, Inyo National Forest Supervisor, as amended, requesting
that the deadline for the comments on the Inyo National Forest Travel Management Plan EIS be set
at a minimum of 90 days; and authorize the Chairperson to sign. Motion carried unanimously.
- BofS/Minute Moved by Supervisor Brown and seconded by Supervisor Bilyeu to approve the minutes of the
Approval October 14, 2008, Board of Supervisors Meeting. Motion carried unanimously.

HHS-Health Serv./
Policy on Parental
Authorization for
Participation in
Vaccination Clinics

Ms. Jean Dickinson, Director of Health and Human Services, made opening remarks concerning Health and Human Services' (HHS) Public Health vaccination program and the request to approve the recommended HHS policy concerning student and parental consent for vaccinations in the public school setting. She explained that Health Services had developed a flu vaccination program this year for 6th, 7th, 8th and 9th, grade students and that as a result of the implementation of the program a concern regarding the parental authorization process had arisen. She asked the Board to review the HHS policy and revised authorization form, which highlights that students will be asked to confirm their current health status at the time the vaccine is administered, to see if it sufficiently addresses the Board's concern's.

Ms. Dickinson introduced Ms. Tamara Cohn, Health Services Director, who talked in detail and at great length about:

a) the vaccination program, explaining it was developed in response to the CDC recommendation that children under 18 receive a flu vaccine; the schools desire to decrease absences in the hardest hit student population of 6th, 7th, 8th and 9th graders during flu season; the recommendation by the Office of Emergency Services (OES) for mass vaccination training for staff to be prepared in case of a pandemic; and that the County had received a grant from OES for this program which required that the vaccinations be administered to at least 400 people or the clinic be of 4 hours in duration;

(b) the actual flu vaccines and their individual properties; explaining how the mist vaccine is administered; who they are administered to and why; the side effects of the vaccine; and why the mist is not administered to pregnant females or people with compromised immune systems; and

(c) how the program was introduced to the schools; the notification of the parental authorization process; and that the public health professional administering the vaccine would verbally question the child as to their health status, including the possibility of pregnancy.

She went on to say that as a result of the presentations to the schools regarding the program, Staff became aware of a concern that the authorization form did not clearly identify, for the parent and the child, that the students would have to respond to questions from the personnel administering the vaccine regarding sexually transmitted disease and the possibility of pregnancy. Ms. Cohn confirmed that the school flu vaccination program is on hold until a parental authorization policy for vaccinations is approved by the Board, and that the live flu vaccine being utilized in these clinics has an expiration date of 12-31-08, so there is some immediacy to resume the clinics or to return the vaccines so they may be used somewhere else.

The Board and Staff went on to discuss this program, including alternatives to holding the clinics during schools hours, the possibility of scheduling clinics in the evening or on weekends to facilitate greater working parents family participation, and with Supervisor Arcularius noting that since the County had initiated this program, it is incumbent on the County to ensure full and complete disclosure of processes and procedures established for the program, including notification of all staff communications directly with the individual students. The Board and Staff discussed how the Parental Authorization Form could be amended to clearly disclose to both the parent and the child that the child will be asked about their current health status and to confirm the responses on the form, at the time the vaccine is administered. The Board indicated they did not want to delay the administering of the vaccinations any longer than necessary. Moved by Supervisor Bilyeu and seconded by Supervisor Brown to approve the consent language on the Parental Authorization Form and direct staff to make the consent statement a separate paragraph, in a bold and different type so that it is set apart and include lines for both the parent and child to initial acknowledgement of the consent statement, and further direct that any future school vaccination programs be approved by the Board of Supervisors at inception.

Recess/
Reconvene

The Chairperson recessed the regular meeting at 10:55 a.m., to reconvene in open session, at 11:05 a.m., with all Board Members present.

P.W./B.P. Care
Center Demolition
Authorization

The County Administrator reviewed the Staff Report regarding the options for securing the former Big Pine Care Center building, including the funding alternatives. The County Administrator clarified that in light of the most recent information regarding the impact of the Secured Rural Schools on the amount of PILT money to be allocated to the County, he is no longer recommending PILT and is recommending the Board consider using geothermal funds to pay for any work they direct be done at the facility.

The CAO reported on the insurance proceeds from the house that burned down on the property several years ago. He said the money had been used to clean up the remains of the burned building and the remainder was allocated in the deferred maintenance budget. Mr. Carunchio went on to inform the Board that as a result of the Staff Report, Sheriff Lutze has requested that additional measures be added to the recommendation to board up the windows at the facility, which increased the estimate for that work by about \$5,000 for a total of a little over \$10,600, noting that the Sheriff specifically states that he does not believe boarding the windows and fencing the building will resolve the problems with respect to illegal entry. He also advised the Board that on Friday the County had received a letter from the Big Pine Fire Chief, giving the County a 45-day correction notice to clean debris from the grounds surrounding the building, to remove one of the propane tanks, and to secure the building to mitigate the fire danger associated with unauthorized and illegal entry and use of the abandoned building. Mr. Carunchio thanked the Public Works Department for their assistance in the development of the Staff Report and recommendations, explaining that much of the information was previously provided to the Board by Public Works. Mr. Carunchio said that in light of Chief Marzano's letter, the processes identified in the Staff Report could be modified to proceed with the demolition of the structure under the emergency provisions of the Public Contracting Code, which could shave quite a bit of time off the length of the project.

Supervisor Bilyeu said that he believes the building needs to be torn down. He said it's rapidly deteriorating, it's a fire hazard as identified by the Big Pine Fire Chief, it's a liability to the County, and an eyesore to the community. The Acting Public Works Director, Mr. Doug Wilson, addressed the Board to provide further explanation and clarification of Staff's recommendations regarding the disposition of the building, and to explain how project contracts and project schedules could be mitigated under the emergency provisions. Big Pine Fire Chief, John Marzano, addressed the Board to provide additional information concerning the fire danger associated with the building and to confirm that he believes emergency action by the Board is needed to eliminate the threat to life and property posed by the structure. The Board, Chief Marzano, and staff continued to discuss the condition of the building and its liability to the County, including the following:

- (a) the need to immediately address the hazards identified in the Fire Chief's letter, which the County is on 45-day notice to correct;
- (b) that with the rapid deterioration of the building because of continued vandalism, there is eminent fire danger and an immediate threat to life and property to surrounding homes and structures;
- (c) the danger to the firefighters who may be required to enter the dilapidated structure;
- (d) the information provided by Staff that law enforcement does not believe that securing the building with fencing and boarding the windows will deter illegal entrance into the facility or further vandalism;
- (e) options available to the County to accelerate the demolition process to mitigate the threat to public safety; and
- (f) the possibility of determining that the demolition of the building is an emergency.

In response to a question from the Board regarding the demolition of the building being an emergency, County Counsel, Mr. Paul Bruce, noted that Sections 1102 and 20134 of the Public Contracting Code provides in case of emergency, when repair or replacement are necessary to permit the continued conduct of County operations and services, the Board of Supervisors, by a majority of consent, may proceed at once with corrective action without following the formal public contracting bid requirements. Mr. Bruce went on to explain how contracts are implemented under this emergency section. The Board and Staff continued to talk about various aspects of demolishing the building, including the availability of a contractor to secure the building as a part of the contract for demolition work; the difficulty in asbestos abatement because of the regulations on removal and the short supply of licensed contractors; alternatives to boarding the windows and installing fencing, i.e. a watchman; the cost of temporarily securing the facility; the funding sources available to pay for the demolition; the status of a public meeting in Big Pine with a recommendation the meeting be conducted after the facility is removed to talk about potential uses for the property; how the County meets the 45-day correction notice if a Contract is in place; the ability to immediately address the removal of brush and debris and propane tank displayed in the photographs which accompanied Chief Marzano's letter, and whether the Board has sufficient findings to declare an emergency to accelerate the demolition of the structure.

County Counsel summarized his observations regarding the facility as a result of a recent visit to the facility, as well as the information that has been provided during today's discussion. Mr. Bruce said the County has a situation at the Big Pine facility that has been escalating for some time. In the recent past the situation has been severely aggravated by vandals breaking out glass in the windows that used to be and had remained intact. That the problem with vandals had been ongoing, but with the recent events its to the point where they have broken the windows and then broken the doors down from the inside out, which leave the doors useless and hanging ajar. He said he did not believe boarding the windows and securing the door is a reasonable solution for the time needed to go through the competitive bid process to abate the asbestos and demolish the structure. Mr. Bruce went on to explain that the County, in the face of this emergency, has been put on notice of the condition of this building and the threat that it poses to people in and around the building, that the County is aware that people are using and entering the building illegally and that the process of entering the building can be threatening to their life or could cause serious injury. Supervisors Bilyeu and Cash made a motion to authorize the demolition of the facility, which was withdrawn in order to reword the motion as recommended by County Counsel so that it complies with the Public Contracting Codes noted in today's discussion.

Moved by Supervisor Bilyeu and seconded by Supervisor Cash that the County considers the demolition of the Big Pine Care Center building an emergency and is authorized to proceed in accordance with Section 20134 of the Public Contracting Code, on the basis that an emergency exists as documented in the information provided to the Board, and the Clerk of the Board is requested to document the substantial evidence justifying this emergency in the minutes of today's meeting as required in Section 22050. Motion carried unanimously.

Board Members
and Staff Reports

The Board Members reported on their activities during the preceding week including, a Caltrans meeting on the 4-lane project in Independence, notification that the Bishop Tribe is supporting the "semi-primitive" land designation, notification that a group in Independence is interested in building a BBQ at Dehy Park with volunteer labor and \$9,000 in donations all ready collected, the U.S. Forest Service's driving tour in conjunction with the Travel Management Plan, legislative update, a request to set the Public Works Director interviews, which the Board set after a review of their calendars on Saturday November 22, 2008, and notification that the Judicial Council of California has prioritized the Courthouse in Independence.

Public Comment

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

Closed Session

The Chairperson recessed open session at 12:15 p.m., to convene in closed session, with all Board Members present to address and take action on Agenda Items No. 18. **REAL PROPERTY NEGOTIATIONS [Conference with Real Property Negotiators Pursuant to Government Code § 54956.8]** – Property: Independence Airport and Eastern Sierra regional Airport (Bishop) – Negotiating Parties – Inyo National Forest – Negotiations – Lease Price and Terms; 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 1:30 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 1:30 p.m., to 9:00 a.m., Tuesday, November 4, 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