

MINUTES

County of Inyo Board of Supervisors

November 4, 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, November 4, 2008, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Linda Arcularius presiding, Susan Cash, Jim Bilyeu and Richard Cervantes. Supervisor Brown was absent. Supervisor Bilyeu provided the Invocation, and Supervisor Cervantes led the Pledge of Allegiance.

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

County Dept. Reports The Chairperson announced the County Department Report period. Ms. Jean Turner Dickinson, Director of Health and Human Services, reported on a Social Services Conference she had attended. Mr. George Milovich, Agricultural Commissioner, reported that Inyo County was one of ten California counties reporting no West Nile virus. The Agricultural Commissioner also reported that if there is no precipitation this winter there will be drastic consequences on the County's agricultural production. Mr. Jon Klusmire, Museum Program Director, reported on upcoming Museum events and activities. Sheriff Lutze reported he had attended the graduation ceremonies for an Inyo County Deputy Sheriff who was graduated from the Sheriff's Academy in Riverside. Sheriff Lutze noted that Supervisor Cash had also attended the graduation and thanked her for her attendance. The Sheriff provided a brief GIS project update, reported on other officer training and briefly talked about the Mazourka Peak project.

**Trial Courts/
Facilities Update** Presiding Superior Court Judge Dean Stout updated the Board on the Inyo County Court Facilities. Judge Stout reported that the County's application for use of the encumbered Court funds as identified in Resolution 2008-36 had been granted by the AOC with conditions, which were that a plan be developed by the AOC between the AOC and the applicant within three years of the September 4, 2008 approval date, the funds are allocated to a separate account with interest accruing, and that a MOU between the County, the AOC and the State be signed which identifies the use of the money and sets forth the conditions. Judge Stout also reported that the Judicial Council approved the Independence Court Project as a critical needs project and that it was one of the highest scored projects. Judge Stout thanked Mr. Mike Conklin, Deputy Public Works Director, for his years of work on this project.

**COA-Personnel/
Chief Probation
Officer J.
Thomson Contract** Moved by Supervisor Cash and seconded by Supervisor Bilyeu to approve the Contract between the County of Inyo and Jeffrey L. Thomson for the provision of personal services as the Chief Probation Officer at a monthly salary of \$8,300 effective November 4, 2008 and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Brown absent.

**Resol. #2008-48/
Appointed Officials
Salary Resolution** On a motion by Supervisor Cash and a second by Supervisor Bilyeu, Resolution No. 2008-48, entitled "A Resolution of the Board of Supervisors, County of Inyo, State of California, Amending Resolution No. 2006-09, Changing Salary and/or Terms and Conditions of Employment for Appointed Officials Employed in the Several Offices or Institutions of the County of Inyo," was approved: motion unanimously passed and adopted, with Supervisor Brown absent.

**HHS-Hlth. Serv./
Medical Marijuana
ID Card Program** Moved by Supervisor Bilyeu and seconded by Supervisor Cash to approve the continuation of the Compassionate Use Act's Medical Marijuana Identification Card Program that was previously approved by your Board as a pilot program. Motion carried unanimously, with Supervisor Brown absent.

**P.W./Purchase of
Eastern CA
Museum Road
Signs** Moved by Supervisor Bilyeu and seconded by Supervisor Cash to approve the Right of Way Contracts, Quitclaim Deed, and Payee Data records with the California Department of Transportation for the purchase of the Eastern California Museum signs, located on U.S. 395 to the north and south of Independence. Motion carried unanimously, with Supervisor Brown absent.

- P.W./Bishop Sr. Center Reroofing Plans & Specs. Moved by Supervisor Bilyeu and seconded by Supervisor Cash to approve the plans and specifications for the Bishop Senior Center Facility Re-roofing Project; and authorize the Public Works Director to advertise for bids for the project. Motion carried unanimously, with Supervisor Brown absent.
- Sheriff/Oxygen Filling System P.O. Moved by Supervisor Bilyeu and seconded by Supervisor Cash to declare AirSep Corporation a sole source provider of medical grade oxygen filling systems; and authorize the purchase of a Ultrox Medical Grade Oxygen Cylinder Filling System from AirSep Corporation in an amount not to exceed \$19,505.30. Motion carried unanimously, with Supervisor Brown absent.
- Sheriff/Mazourka Peak Repair Equipment P.O. Moved by Supervisor Bilyeu and seconded by Supervisor Cash to declare Comserco a sole source provider of repeater equipment and authorize the purchase of a repeater replacement, solar back-up, solar cells, batteries, lightening protection and other necessary equipment for Mazourka Peak from Comserco in an amount not to exceed \$19,607.97. Motion carried unanimously, with Supervisor Brown absent.
- P.W./Dept. Update Acting Public Works Director, Mr. Doug Wilson, updated the Board on the Department's activities during the preceding week including notification that a walk through of the Big Pine Convalescent Hospital had been conducted with potential demolition contractors and the bid opening is scheduled for two weeks from November 5, 2008, an update on the Independence Tank Replacement project, with notification that a pressure reducer may need to be installed. He updated the Board on the Olancho/Cartago Highway widening project, reporting that the earliest the project can occur is 2017 and that the EIR is still being developed with different options. Mr. Wilson said the County should be proactive when LTC funding for the project comes forward.
- P.W./Tecopa Sewer Pond Noel Lease and Budget Amendment The Board and Staff discussed the proposed lease between the County of Inyo and Amy Noel for use of her property to help resolve the County's Tecopa Sewage Pond issues. The Acting Public Works Director, Mr. Doug Wilson, explained that the repair of the County's sewage pond is critical to the renewal of the lease for the Tecopa Park and Campground. He reported that with regard to dividing the pond in two as suggested by a Board Member, that it would take too long, that there were seasonal issues with the amount of sewage, and that it would be more costly to remove the sludge if the pond were divided. It was reported that the new lift system was estimated at a total of \$900,000 and the Board questioned whether Prop. 40 funds could be used for this purpose. The Deputy County Administrator, Mr. Chuck Hamilton, said that he would check and report back. The Board indicated that they wanted to see the lease document before they took action on this item and postponed further discussion to later in today's meeting
- Road Dept./Oak Creek Rd. Culvert Replacement The Acting Public Works Director, Mr. Doug Wilson, updated the Board on the progress of the culvert replacement project on North Oak Creek Road. He said that they were pouring the headwall this week and anticipates the project being completed three weeks from today.
- Ag. Comm/Owens Lake Mitigation Issues The Agricultural Commissioner, Mr. George Milovich, explained that the Agricultural Resources Advisory Board had toured the Owens Lake. He said that as a result of that tour the Advisory Board had concerns with the amount of water being used to mitigate the dust and questioned if there wasn't a better method. Mr. Milovich said that the Advisory Board wanted the Board of Supervisors to investigate this issue and maybe send a letter identifying the concerns. The Board and Mr. Milovich discussed a variety of issues including planting of salt grass, the thickness of the flood plain layer, full reservoir flooding, moats, rows, burms with fencing, etc., as well as the effect of Phase 7 of the project on the groundwater. Supervisor Arcularius said that she feels the State Lands and the Department of Resources, Department of Fish and Game, should be made aware of these issues. The Agricultural Commissioner noted that the Advisory Board is concerned that the State Lands and the Department of Resources may not be getting the full picture of the agricultural impact occurring as a result of the shortage of water. It was noted that DWP is still in the process of proving an effective alternative and that any solution will be approved through the Environmental Review process. Supervisor Arcularius agreed with the Advisory Board that this situation needs further investigation and suggested that the Board invite DWP and Great Basin Air Pollution Control District, either individually or together, to update the Board on current dust mitigation projects. Mr. Sam Wasson, Keeler Property Owner, addressed the Board to support further investigation. Supervisor Arcularius suggested that the County send a letter to both entities inviting them to make presentations to the Board on the Owens Lake Project.
- Recess/Reconvene The Chairperson recessed the regular meeting at 10:30 a.m., to reconvene in open session at 10:40 a.m., with all Board Members present, except Supervisor Brown.

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| P.W./Tecopa Sewer Pond Noel Lease and Budget Amendment | The Board was provided with copies of the Lease between the County of Inyo and Ms. Amy Noel, with a notation of two clerical corrections. The Board took a few moments to review the lease. Moved by Supervisor Cervantes and seconded by Supervisor Bilyeu to A) approve a lease agreement between the County of Inyo and Ms. Amy Noel, owner of the Tecopa Hot Springs Resort, for the installation of forced main piping and the operation of the sewage treatment lagoon in Tecopa, for a five year period beginning November 4, 2008, including three five year options to extend, at the rate of \$800 per month, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign; and B) amend the FY 2008-09 County Budget by increasing appropriations in Tecopa Budget Unit 076912, Rents and Leases (<i>Object Code #5291</i>) by \$6,400 and reducing appropriations in General Contingencies Budget Unit 087100, Contingencies (<i>Object Code #8901</i>) by \$6,400. Motion carried unanimously, with Supervisor Brown absent. |
| Planning-Yucca Mt./Change in Authorized Strength | Mr. Pat Cecil, Planning Director, provided additional information and further clarification on the request to change the Department's authorized strength by deleting an Associate Planner and hiring a Senior Planner. Mr. Cecil explained that the new position would be dedicated strictly to the Yucca Mountain Program. He said that this position is critical to the Yucca Mt. Program at this time because of the ongoing licensing activities for the Repository. The Board and Staff discussed how important it is that the planner hired is very knowledgeable of the County's position on the Repository and knows how to keep the Board informed. The Board talked about the ability to hire a planner who is knowledgeable on nuclear waste storage and that the person hired needed to be a quick study who coordinates well at all levels. Supervisor Cash expressed a desire to see the Job Description prior to authorizing the position. Moved by Supervisor Bilyeu and seconded by Supervisor Cervantes to approve a change in authorized strength as recommended by the Planning Department. Motion failed on a zero-to-four vote, with Supervisors Bilyeu, Cervantes, Cash and Arcularius voting no. Moved by Supervisor Bilyeu and seconded by Supervisor Cervantes to approve a change in Planning Department authorized strength by adding one Senior Planner position at Range 78 (\$4,851 - \$5,987) and authorize the recruitment and filling of a Planner position at either a Senior Planner or Associate Planner level, with the Senior Planner position being preferred; and depending upon the outcome of the recruitment process delete an Associate Planner position at Range 74 (\$4,415 - \$5,365) or a Senior Planner position at Range 78 (\$4,851 - \$5,365), as appropriate. Motion carried on a three-to-one vote, with Supervisors Arcularius, Bilyeu and Cervantes voting yes and with Supervisor Cash voting no, and with Supervisor Brown absent. |
| Emergency Serv./ Local Emergency Cont'd. | The County Administrator reported that with this weekend's storm there was no significant erosion in the burn area. He recommended that the Board continue the local emergency until the temporary diversion structure is removed and 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, with Supervisor Brown absent. |
| Public Comment | The Chairperson opened the second public comment period. The Agricultural Commissioner, Mr. George Milovich announced that the Alternative Livestock Production Process Workshop would be held on November 17, 2008, at Whiskey Creek from 1:00 p.m. to 5:00 p.m. |
| Forest Serv./ Secured Rural Schools Funding Option | The County Administrator, Mr. Kevin Carunchio, described the different funding options available to counties from the Secure Rural Schools and Community Self-Determination Act. Mr. Carunchio provided tables of the various options showing what amount of revenue Inyo County could expect to receive under the different options. Because of the swearing in ceremonies of the new Chief Probation Officer, the Chairperson postponed further discussion on this item until 1:30 p.m. |
| Recess/ Reconvene | The Chairperson announced that the swearing in ceremonies of the new Chief Probation Officer, Mr. Jeffrey Thomson, would be taking place in Department 1, at the Courthouse. She recessed the regular meeting at 12:00 p.m., to reconvene in open session at 1:30 p.m., with all Board Members present, except Supervisor Brown. |
| Forest Serv./ Secured Rural Schools Funding Option | The Board and Staff continued their discussions regarding funding options under the Secure Rural Schools and Community Self-Determination Act. The Acting Public Works Director, Mr. Doug Wilson, supported Option A, the 25% Payment Option for now, with an opportunity to go with another option in the future. Mr. Carunchio indicated that former County Superintendent of Schools, Mr. George Lozito, also supported this option. Supervisor Arcularius said that if the Board chooses the State Payment Option requiring the formation of a RAC, it will require a great deal of collaboration, and this option needs a great deal of investigation and thought before it is selected. |

Supervisor Bilyeu expressed a concern that the General Fund could be on the hook for a greater contribution to Search and Rescue if the County selects an option that does not provide funding for Title III projects. The Board and Staff continued to discuss the various funding options and their impacts on Inyo County. The County Administrator explained that a letter to the Forest Service identifying the County's option would need to be sent prior to November 14th.

Moved by Supervisor Cash and seconded by Supervisor Cervantes to select the 25% Payment Option (25% Rolling Average Payment Option), as the County of Inyo's funding selection under the payment options for the County to receive funding from the Secure Rural Schools and Community Self-Determination Act; and authorize the Chairperson to sign and transmit a letter notifying the Forest Service of the payment option elected by the County. Motion carried unanimously, with Supervisor Brown absent.

BofS/Minute
Approval

Moved by Supervisor Cash and seconded by Supervisor Cervantes to approve the minutes of the October 21, 2008, Board of Supervisors Meeting. Motion carried unanimously, with Supervisor Brown absent.

Board Members
and Staff Reports

The Board Members reported on their activities during the preceding week, including attending the Sheriff Officer graduation in Riverside, an Inyo First 5 meeting, update on the fishing deck at Diaz Lake, notification of a January 13, 2009 State Water Commission Public meeting regarding septic requirements and regulations, an RCRC coalition meeting, and legislative updates. The County Administrator informed the Board that Mr. Paul Bruce, County Counsel would be going to Austin for the Stewards of the Range Conference in place of Supervisor Brown and informed the Board about the number of candidates expected to interview for the Public Works Director position on November 22, 2008.

Closed Session

The Chairperson recessed open session at 2:05 p.m., to convene in closed session, with all Board Members present, except Supervisor Brown, to discuss and take action as appropriate on Agenda Items No. 20. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(a)]** 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. 21. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(a)]** – In the Matter of Authorization to Construct a Geologic Repository at Yucca Mt., Nevada Docket No. 63-001; No. 22. **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. 23. **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. 24. **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. 25. **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. 26. **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 5:42 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 at 5:42 p.m., to 9:00 a.m., Tuesday, November 18, 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