



County of Inyo Board of Supervisors

November 18, 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 18, 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 Cash led the Pledge of Allegiance.

Public Comment The Chairperson announced the public comment period. Mr. Cole Johnson owner of CRJ Construction addressed the Board to state his complaint regarding the recommendation to reject the bid for the Bishop Tenant Improvement Project. He took exception to the term "irresponsible" being used to characterize his bid. He explained the sequence of events for both of the bids he had submitted. The Chairperson invited Mr. Johnson to stay for the discussion regarding this item, which would take place later in the meeting.

County Department Reports The Chairperson announced the County Department Report period. The Auditor-Controller, Ms. Leslie Chapman, updated the Board on her Department's activities and presented the Board with copies of this year's published Budget book. Mr. Chuck Hamilton, Deputy County Administrator, announced that the new handicap fishing deck at Diaz Lake has been completed and thanked the Department of Water and Power, Mr. Lefty Irwin, the Bishop and Lone Pine Lions Clubs and the numerous volunteers who helped to bring this project to fruition. He invited the Board to visit the Lake to take a look at the deck. Supervisor Cervantes noted that dedication ceremonies for the deck were planned for tomorrow at Diaz Lake.

HHS/Behavioral Hlth./Wellness Center Lease Moved by Supervisor Brown and seconded by Supervisor Cervantes to approve the Lease Agreement between the County of Inyo and Nor Group, LLC, for the rental of property described as 587 Third Street, in Bishop, for the period of November 7, 2008 through November 6, 2009, in the amount of \$1,000; and authorize the Chairperson to sign. Motion carried unanimously.

Resol. #2008-49/ AIP Grant Indy Airport Project On a motion by Supervisor Brown and a second by Supervisor Cervantes, Resolution No. 2008-49 was approved, authorizing the submittal of the applications for State Airport Improvement Program (AIP) Matching grants for Federal Aviation Administration AIP for the Independence Airport Apron Improvement Project, accepting the allocation of State AIP Matching funds, and authorizing the Acting Public Works director to sign the grant agreements and any other documents required to apply for and accept the funds: motion unanimously passed and adopted.

P.W./Bishop Waste Dumpsters for County Facilities Moved by Supervisor Brown and seconded by Supervisor Cervantes to A) award the bid to and approve the Contract with Waste Connections, Inc., dba Bishop Waste/Sierra Disposal to supply trash receptacles (dumpsters) and the disposal of waste for County facilities, for the period of December 1, 2008 through November 30, 2011, at an annual rate of \$23,520, for a total contract amount not to exceed \$70,560, contingent upon the Board's adoption of future budgets; and authorize the Chairperson 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 Department activities during the preceding week, including reporting that the road billings are up-to-date, and a discussion on the Park Street paving project.

Resol #2008-50/ Bishop Office Tenant Improvement Using County Forces The Acting Public Works Director, Mr. Doug Wilson, noted the comments made by Mr. Johnson, the owner of CRJ Construction, during public comment. He said that the term non-responsive, not irresponsible was used to describe the bid. He explained that "non-responsive" is a term used in the public contracting process to denote that bids are being rejected for a variety of reasons, i.e., the bid is too high, required documentation was not provided, etc. He explained that in the case of CRJ's bid, the bid exceeded the Engineer's Estimate by more than a 1/3 and it had been determined that the work could be performed with County forces for less money. Mr. Johnson addressed the Board

to provide further information on his bid and the project. He explained why he felt the work could not be done by the County for less than his bid, saying that his second bid was higher because of the County's specification that the work be performed around working staff. The Board and Mr. Wilson continued to discuss the Staff recommendation that the Bishop Office Tenant Improvement Project be accomplished with County forces. Supervisor Cash expressed her concern that the Department may not have adequate staff to add a project of this magnitude to an already substantial workload. The Board and Staff briefly discussed the discrepancy between the Engineers Estimate and the one bid received. At the conclusion of the discussion, the Chairperson assured Mr. Johnson that the resolution being adopted, which was the official record, did not make any reference to the bid being "irresponsible." Moved by Supervisor Brown and seconded by Supervisor Bilyeu to reject the bid submitted by CRJ Construction, Inc., for the Bishop Offices Tenant Improvement Project; and approve Resolution No. 2008-50 authorizing the Public Works Department to proceed with the project using County forces: motion passed on a four-to-one vote, with Supervisors Arcularius, Brown, Bilyeu and Cervantes voting yes, and with Supervisor Cash voting no.

P.W.-Bishop AP/
Fixed Based
Operator

The Acting Public Works Director, Mr. Doug Wilson, explained that an RFP had been issued in order to judge the feasibility of having a fixed based operator at the Eastern Sierra Regional Airport. He explained that due to changes in Department personnel the responses had not been evaluated until just recently. He said that the County received two responses, one for the entire airport operations including the restaurant and the other was for the restaurant only. He said that the full operation proposal was not being recommended because it required the County to keep much of the work and liability associated with operating the Airport, while the operator kept much of the revenue generated by the operations. He said he had kept in contact with the person who proposed only using the restaurant and if the Board rejects the full operations proposal as recommended, he would be contacting the individual for further discussions on a lease for just the Airport Restaurant. Moved by Supervisor Cash and seconded by Supervisor Brown to reject the proposal to provide fixed base operator services at the Eastern Sierra Regional Airport. Motion carried unanimously.

Resol. #2008-51/
Collaborative
Bikeways Plan

The Acting Public Works Director introduced Mr. Courtney Smith, Transportation Planner, who reviewed the Collaborative Bikeways Plan Staff report and recommendations. He responded to questions from the Board, explaining that the Plan did include the Lone Pine Heritage Trail project. Supervisor Cash asked about the placement of signs and delineators on roads which have already been denied such signage. The Acting Public Works Director, Mr. Doug Wilson, explained that this is a Plan not a request for action. He said that the projects under this Plan will have to qualify under the applicable road statutes and environmental laws. On a motion by Supervisor Brown and a second by Supervisor Cash, Resolution No. 2008-51 was approved, adopting the 2008 Inyo County Collaborative Bikeways Plan: motion unanimously passed and adopted.

Public Works/Oak
Creek Road
Culvert
Replacement

Supervisor Brown said that because her husband works for the company, which supplied the culvert for the Oak Creek Culvert Replacement Project, she was recusing herself from participation in this item, and left the meeting. The Acting Public Works Director, Mr. Doug Wilson, told the Board that he expects the culvert replacement project on North Oak Creek Road to be completed in the next two weeks. He said that the Department would notify the Forest Service of the completion.

Recess/
Reconvene

The Chairperson recessed the regular meeting at 10:15 a.m., to reconvene at 10:30 a.m., in open session, with all Board Members present.

BofS/GBAPCD
Owens Lake
Mitigation Projects
Presentation

The Chairperson explained for the members of the public, that the request for a discussion on the mitigation measures at the Owen Lake arose after the Agricultural Advisory Committee had expressed a concern with the impact of using the water for mitigation has on the lands throughout the valley. She said the Board had invited both Great Basin and the Department of Water and Power to update the Board on the dust mitigation measures at Owens Lake. She introduced Mr. Ted Shade, Air Pollution Control Officer, who addressed the Board to talk about the District's participation and requirements concerning the dust mitigation project at the Owens Lake. He said that there are three approved methods from which DWP can choose to mitigate the dust. He said that an experimental fourth method, the moat and row configuration, is also currently being evaluated. Mr. Shade likened the moat and row method to the furrowing process used in the cultivation of farmland or for the control of drifting snow. He said that Great Basin does not tell DWP which method to utilize, it only enforces that the dust mitigation requirements are met. He explained how the District evaluates the success of DWP's mitigation measures.

He reviewed the process whereby the moat and row method will be evaluated and said that because DWP changed the approved configuration of the moat and row design, two of the agencies, i.e., the Department of Resources and the Department of Fish and Game, who are interested in parts of the Lake, are monitoring this alternative. Mr. Mike Prather, addressed the Board to talk about how important the wildlife resources are to the County and to encourage the protection of the waterfowl habitats which have developed on the Lake bed since the dust mitigation has begun.

Mr. George Milovich, Agricultural Commissioner, addressed the Board to provide clarification on the Agricultural Advisory Committee's concern, to thank Mr. Shade for his informative presentation, and to reiterate how important water resources of the Valley are to the local agricultural industries. Mr. Shade and the Board discussed the different mitigation measures, including the status of the brackish water, which is under the lakebed and its availability for the shallow watering method of dust mitigation. Mr. Shade reiterated that the District does not choose which method DWP uses to mitigate the dust, it only ensures compliance of the mitigation requirements. Mr. Shade went on to talk about the timing of compliance for the dust mitigation and future mitigation measures once compliance is reached. He said that DWP has been doing a good job of dust mitigation, which based on Great Basin monitoring, reflects the dust mitigation exceeds the minimum requirements. The Board thanked Mr. Shade for his presentation and informed the public that the Department of Water and Power will be making their presentation during the December 9, 2008 Board of Supervisors Meeting.

Recess/
Reconvene

The Chairperson recessed the regular meeting at 11:30 a.m., to reconvene at 11:40 a.m., in open session, with all Board Members present.

Planning/
Subdivision Map
Act Compliance
Ordinance

The Chairperson opened the public hearing on a proposed ordinance entitled "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Amending Inyo County Code §16.32.010, Chapters 16.48 and 16.52 and Creating New Chapter 16.30." The Planning Director, Mr. Pat Cecil, reviewed the Staff Report and recommendations. Supervisor Arcularius said that while she is supporting this action, she does not believe that it is a substitute for the update of the County's General Plan, which she believes is the number one priority for the County. Mr. Cecil, briefly talked about the General Plan update schedule. Mr. Andy Holmes, Triad Engineering, Mr. Charles Sorells from Tecopa, and Mr. Scott Kemp of Independence, addressed the Board to support the adoption of this ordinance. There was no one from the public wishing to oppose this ordinance. The Chairperson closed the public hearing at 11:47 a.m., Moved by Supervisor Cervantes and seconded by Supervisor Brown to waive the first reading of the ordinance amending portions of Title 16 (Subdivision Ordinance) which amends Section 16.32.10 to bring it into compliance with the Subdivision Map Act, amends the Certificate of Compliance Section of the Code (Chapter 16.48) to bring it into conformity with the Subdivision Map Act, amends Chapter 16.52 (Parcel Merger) to include property line adjustments and change the approval process to an administrative approve, and creates a Parcel Map Waiver (New Chapter 16.23) process for the creation of parcels of forty acres or greater in size; and schedule the enactment of this ordinance for 11:00 a.m., on Tuesday, November 25, 2008, in the Board of Supervisors Room, at the County Administrative Center, in Independence. Motion carried unanimously.

Road/STIP and
RTIP Workshop

The Chairperson recessed open session at 11:50 a.m., to convene in a workshop, with all Board Members present, to discuss, with the Acting Public Works Director, the preparation of the Regional Transportation Improvement Program (RTIP) and the County's role in the development of the STIP. The Chairperson recessed the workshop at 12:15 p.m.

Recess/
Reconvene

The Chairperson recessed the regular meeting at 12:15 p.m., to reconvene in open session at 1:00 p.m., with all Board Members present.

P.W./Indy Tank
Replacement
Conversion

The Acting Public Works Director, Mr. Doug Wilson, updated the Board on the activities surrounding bringing the new Independence Water Tanks on line. He said that as a result of the new tanks being above ground it was determined that the water pressure being delivered to the homes in the eastern portion of the system would increase by 7-10 psi. He said that in researching the water pressure history for the Independence Town Water System, it was discovered that the entire system has been consistently operated at over 80 psi and when the old reservoir was vandalized the Town Water System was operating at 125 psi for many months. Mr. Wilson informed the Board that California Statute suggests water regulators at any pressure over 80 psi.

Mr. Wilson said that prior to bringing the new tanks on line, the County had notified, what was thought to be the effected residents in Independence, of the impending increase in water pressure and recommended they consider installing regulators. He said as a result of the notification a Town Meeting was held at which more than 60 residents came to voice their concerns and thoughts regarding the County's notice and impending action which would result in the water system consistently providing over 80 psi of water pressure to the users.

Mr. Wilson reviewed the three alternatives identified at the meeting, explaining why they were not feasible. He went on to make alternative suggestions to give the residents of Independence more time to evaluate their options regarding the installation of the regulators. Mr. Wilson also provided suggestions regarding where homeowners might be able to obtain funding assistance to help defray the costs of installing the regulators. He said the County could choose to not bring the new tanks on line for a couple of months and continue to rent the temporary tanks at the cost of \$10,500 per month. He explained that the County has been informed that the County's insurance carrier has notified our Risk Manager that it will no longer cover the costs of the temporary tanks past December 31, 2008. He went on to say that another suggestion would be to only fill the new tanks to half-full, thus reducing the increased pressure to only 2-5 psi and temporarily operating at half-capacity for a specific period of time to allow the users more time to install the regulators if they choose. He said that the new tanks could be operated half full and still provide more water capacity than either the temporary tanks or the old reservoir.

Mr. Art Lecues, Mr. Mike Barnes, Ms. Kathy Barnes, and Mr. Paul Fretheim of Independence addressed the Board to identify their concerns with the County increasing the water pressure to the homes in the system including, why there was such a short notice, only two weeks, to accomplish the installation of the valves; that the property owners were not properly informed of the impending increase in pressure; that notification should include the Assessor's list of property owners; that more time needs to be afforded the property owners for the installation of the regulators; and that it should be the County's responsibility to cover the costs of the regulators, not the homeowners. The Board reminded those in the audience questioning the County's handling of this project that initially the County had been struggling with replacing the dilapidated reservoir with no reserves; that the rate payers wanted their water rates to remain low and were willing to risk having no capital reserve for the system; that as a result of the fire and the County having a very conservative insurance strategy, the County was able to improve the water supply for the Town of Independence, by replacing the underground reservoir with two 250,000 gallon above ground water tanks, using insurance proceeds, thus not effecting the rate payers; and that the new system was improved in order to provide the town with stronger fire flow pressure, as well as increased capacity. The Board acknowledged the residents concerns and discussed the alternatives. Supervisors Arcularius and Brown were in favor of extending the tank rental one month, having the County cover the \$10,500 cost for rental, notifying the property owners and the residents of the recommendations regarding the installation of water pressure valves; and bringing the new tanks on line February 1, 2009. Supervisors Cash, Bilyeu and Cervantes were in favor of filling the new tanks to half capacity; returning the rental tanks no later than December 31, 2008, providing notification to the property owners and the residents regarding the installation of water pressure regulators; and bringing the new tanks on line March 1, 2009.

Ms. Marlena Baker, Risk Manager, addressed the Board to identify liability concerns with operating the new system at half capacity. Mr. Paul Bruce, County Counsel, provided additional information concerning the County's liability and operations protections under California law for the decision makers, in this case the Board of Supervisors. Supervisor Bilyeu said that the temporary tanks were of less capacity than the new tanks being operated half-full and that should an emergency arise, the back-up well could be turned on to provide the additional capacity needed. He reminded everyone that was why the back up well was originally installed. The Board and Staff continued to discuss the liability issues associated with operating the new system at half-capacity. They went on to discuss why it is prudent for homeowners to install the pressure regulators for the protection of their property.

Moved by Supervisor Cash and seconded by Supervisor Bilyeu to direct Staff to a) fill the new Independence Water Tanks to one-half full and operate at that water level until March 1, 2009, at which time the new Independence Water Tanks will be brought on-line at full capacity; b) return the rental tanks no later than December 31, 2008; and c) direct that both the property owners and the residents of Independence be notified as soon as possible of the Board's actions regarding bringing the new system on line and recommending pressure regulators be installed. Motion passed on a three-to-two vote, with Supervisors Cash, Bilyeu and Cervantes voting yes, and with Supervisors Arcularius and Brown voting no.

Recess/ Reconvene	The Chairperson recessed the regular meeting at 2:40 p.m., to reconvene in open session at 2:50 p.m., with all Board Members present.
CAO-Advert. Co. Resources/Film Commissioner Contract	The County Administrator reviewed the request to renew the Contract with Mr. Chris Langley for Film Commissioner activities. He explained that the Contract amount is slightly reduced from last year and that Mr. Langley has assured him the reduction will not impact the services being rendered. Moved by Supervisor Cervantes and seconded by Supervisor Bilyeu to A) continue to declare Chris Langley as a sole source provider for Film Commissioner services; and B) ratify and approve the Contract for Film Commissioner Services between the County of Inyo and Chris Langley for the period of July 1, 2008 through June 30, 2009, in an amount not to exceed \$50,000; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
CAO-Local Emergency Cont'd.	The County Administrator asked that the local emergency be continued until the temporary diversion is removed and water is returned to the natural channel of Oak Creek. 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.
Motor Pool/Truck Donation Indy. Cemetery District	Supervisor Bilyeu explained that his wife is the secretary for the Independence Cemetery District and had made the request that a County surplus truck be donated to the District, and because of this, he was going to abstain from voting on this item. Moved by Supervisor Brown and seconded by Supervisor Cash to donate a surplus 1987 GMC 1/2-ton truck, Asset Number 6992, License Number 370777 to the Independence Cemetery District. Motion carried unanimously on a four-to-zero vote, with Supervisors Arcularius, Cash, Brown and Cervantes voting yes, and with Supervisor Bilyeu abstaining.
Integ. Waste/Fee Waiver for B.P. Library Demo Debris	The Deputy County Administrator, Mr. Chuck Hamilton, reviewed the request by the Big Pine Fire Department that gate fees be waived for the disposal of Big Pine Library building demolition debris. He said there is an estimate of 700 yards of waste associated with the project, which is between \$6,300 to \$8,400 in fees. Several Board Members expressed a desire to see portions of the building, i.e., the windows, bookshelves, and hard wood flooring, salvaged and recycled or sold, rather than disposed. The Board talked about offering incentives to recycle rather than total disposal of the material and talked about waiving fees up to \$3,500. Supervisor Bilyeu said that he would rather have the Fire Department's money being used to purchase life-saving rescue equipment rather than paying disposal fees. Mr. Marty Fortney, Supervisor Elect, added that he believes one of the reasons the Fire Department was not looking at salvaging or recycling is because of the liability associated with the removal of the material. Mr. Fortney also informed the Board that the bookshelves have already been removed and relocated to the new library in Big Pine. Moved by Supervisor Cash and seconded by Supervisor Brown to waive disposal and gates fees up to \$3,500 for the waste generated by the Big Pine Fire Department's demolition of the old Big Pine library building. Motion carried unanimously.
BofS/Minute Approval	Moved by Supervisor Brown and seconded by Supervisor Bilyeu to approve the minutes of the October 28, 2008, Board of Supervisors Meeting. Motion carried unanimously.
Bishop/Election Services	Moved by Supervisor Cash and seconded by Supervisor Bilyeu authorize the County of Inyo to provide services to the City of Bishop for the General Municipal Election to be held in Bishop, on Tuesday, March 3, 2009. Motion carried unanimously.
Board Members and Staff Reports	The Board Members reported on their activities during the preceding week, including the Stewards of the Range Conference in Austin, the dedication of the handicapped fishing deck at Diaz Lake, a Big Pine Civic Club Meeting, and a Independence Town meeting on the town water system. The County Administrator reported on the success of the first workshop on the Alternative Livestock program.
Public Comment	The Chairperson announced the second public comment period and there was no one from the public wishing to address the Board.
Closed Session	The Chairperson recessed open session at 3:30 p.m., to convene in closed session, with all Board Members present, to discuss and take action as appropriate on Agenda Items 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; 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; No. 27. **PERSONNEL [Pursuant to Government Code §54957]** - Public Employee Appointment - Title – Director of Public Works; No. 28. **CONFERENCE WITH LABOR NEGOTIATOR (Pursuant to Government Code §54957.6)** – Instructions to Negotiators re: wages, salaries and benefits – Title: Director of Public Works – Negotiator – as designated by the Board of Supervisors; No. 29. **PERSONNEL [Pursuant to Government Code §54957]** - Public Employee Performance Evaluation - Title – Planning Director; and No. 30. **CONFERENCE WITH LABOR NEGOTIATOR (Pursuant to Government Code §54957.6)** – Instructions to Negotiators re: wages, salaries and benefits – Title: Planning Director – Negotiator – as designated by the Board of Supervisors.

- Report on Closed Session The Chairperson recessed closed session at 7:12 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 7:12 p.m., to 9:00 a.m., Tuesday, November 25, 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