

MINUTES

County of Inyo Board of Supervisors

February 17, 2009

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, February 17, 2009, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Beverly Brown presiding, Linda Arcularius, Susan Cash, Marty Fortney 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. Richard Ely and Ms. Kelli Sack of Davis Hydro, LLC, talked briefly about their proposed hydro project on Pine Creek.
- County Department The Chairperson announced the County Department Report period. Sheriff Lutze reported there
Reports were no incidences related to the storm cell, which came through the area over the weekend. Dr. Bob Harrington, Water Director, reported on the recent Technical Group meeting.
- HHS-Behavioral Moved by Supervisor Arcularius and seconded by Supervisor Cash to approve Amendment No.
Hlth./Villa Merced One to the Contract between the County of Inyo and County Villa Merced Behavioral Health for
Contract residential placement for adults in a locked facility increasing the amount by \$28,000 to a total not
Amendment to exceed \$58,000 for the period of July 1, 2008 through June 30, 2009; and authorize the
 Chairperson to sign. Motion carried unanimously.
- HHS-Behavioral Moved by Supervisor Arcularius and seconded by Supervisor Cash to approve Amendment No.
Hlth./Vista Pacifica One to the Contract between the County of Inyo and Vista Pacifica Center for residential placement
Contract of adults in a locked facility increasing the amount by \$23,000 to a total amount not to exceed
Amendment \$53,000 for the period of July 1, 2008 through June 30, 2009; and authorize the Chairperson to
 sign. Motion carried unanimously.
- Planning-Yucca Moved by Supervisor Arcularius and seconded by Supervisor Cash to approve Amendment No.
Mt./Hydrodynamics One to the Contract between the County of Inyo and Hydrodynamics Group LLC, changing the Inyo
Contract County contact name and the Scope of Work; and authorize the Chairperson to sign, contingent
Amendment upon the appropriate signatures being obtained. Motion carried unanimously.
- P.W./Bishop Office Moved by Supervisor Arcularius and seconded by Supervisor Cash to award the bid to and
Tenant approve the purchase of materials to construct the Bishop Offices Tenant Improvement Project
Improvement from High Country Lumber, Inc., in an amount not to exceed \$16,743.15, including delivery and
Materials P.O. sales tax. Motion carried unanimously.
- Sheriff/Ammunition Moved by Supervisor Arcularius and seconded by Supervisor Cash to declare Dooley Enterprises,
P. O. Inc. a sole-source provider of ammunition and authorize the purchase of ammunition from Dooley
 Enterprises, Inc., as recommended by Staff in an amount not to exceed \$20,277 including tax and
 shipping. Motion carried unanimously.
- P.W./Planning The Acting Public Works Director, Mr. Doug Wilson, made his final presentation as the Acting Public
Update Works Director, reporting on STIP and 1B funding and how State actions regarding the 1B funding
 might impact the Ed Powers and Red Hill Roads Project, and reporting on items on the upcoming
 Planning Commission Agenda.
- Water/Standing Dr. Bob Harrington, Water Director, provided the Board with a copy of the proposed agenda for the
Committee Direction upcoming Standing Water Committee Meeting scheduled for February 23, 2009, in Los Angeles.
 He explained that as a result of an issue raised by DWP regarding the LORP Annual Report, the
 Technical Committee had not reviewed the plan. The Board and Dr. Harrington discussed the
 process used for accepting the Plan. In order for Dr. Harrington to confer with counsel on the
 requirements under the Stipulation and Order, the Chairperson adjourned the meeting.

Recess/ Reconvene	The Chairperson recessed the regular meeting at 9:35 a.m., to reconvene in open session at 9:50 a.m., with all Board Members present.
Water/Standing Committee Direction	The Board resumed their discussions with the Water Director regarding the upcoming Standing Water Committee Meeting. Dr. Harrington said that as a result of the action by DWP during the Technical Group Meeting, the Standing Committee item regarding the acceptance of the LORP Plan would now be an update on the process. The Board briefly discussed the Green Book update. The Board and Staff scheduled a pre-Standing Committee meeting for later in the week.
CAO-Inyo Complex Fire/Temporary Tank Final Payment and Budget Amendment	The County Administrator clarified that the amount of the final payment to BakerCorp for the Temporary tanks was \$12,858.31 and asked that the motion reflect the recommendation noted on the Agenda Request Form. Moved by Supervisor Fortney and seconded by Supervisor Cervantes to A) authorize payment to BakerCorp, for the final payment on the temporary water tank rentals for the Independence water supply, and increase the previously authorized total amount not to exceed of \$163,000 by \$7,358.31, for a new total amount not to exceed \$170,358.31 and B) amend the FY 2008-09 Inyo Complex Fire Budget Unit 023710 by increasing appropriations in Rentals and Lease (<i>Object Code #5281</i>) by \$33,859 and decreasing appropriations in General Operating (<i>Object Code #5311</i>) by \$33,859. Motion carried unanimously.
Emergency Serv./ Local Emergency Continued	The County Administrator recommended that the local emergency be continued as a result of the Inyo Complex Oak Creek Mud Flows for the reasons noted over the preceding weeks. Moved by Supervisor Fortney and seconded by Supervisor Arcularius to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 10:35 a.m., to reconvene in open session at 10:40 a.m., with all Board members present.
Board Members and Staff Reports	The Board Members reported on their activities during the preceding week including a LAFCO Meeting, a Travel Management Plan meeting, a Lone Pine Fire Safe Council meeting, a meeting on Statham Hall, and a report on the Lone Pine Valentines Dance. The County Administrator informed the Board that Supervisor Arcularius working with RCRC has gotten the State Parks Department to write appropriation language to protect the County's Prop 40 funds and letters are being drafted for the Board's consideration asking our State Legislators to support this language.
P.W./Qualification of P.W. Director	<p>The Chairperson opened the public hearing at 11:00 a.m., on the qualifications of Bernard T. Pedersen to be approved as the Inyo County Road Commissioner. The Acting Public Works Director, Mr. Doug Wilson, said that the qualification requirement is that the person be a registered civil engineer and confirmed that Mr. Pedersen meets the qualifications. The County Administrator noted that the Board has been provided a copy of Mr. Pedersen's certificate of license. At the request of Supervisor Cash, Mr. Wilson explained that in order to qualify to receive the County's share of the road funds, the County must have a permanent qualified Road Commissioner on staff within 180 days of the position being vacated. Mr. Wilson also noted that this requirement was a subject of discussions during this year's road audit, with the auditor acknowledging that the appointment was pending. The Chairperson closed the public hearing at 11:05 a.m.</p> <p>Moved by Supervisor Arcularius and seconded by Supervisor Fortney to find that Bernard T. Pedersen is qualified to serve as the Inyo County Road Commissioner. Motion carried unanimously.</p> <p>Moved by Supervisor Cash and seconded by Supervisor Cervantes to appoint Bernard T. Pedersen as the Director of Public Works, County Road Commissioner, County Surveyor and County Fire Marshall effective February 17, 2009 and waive the requirement he be a registered voter in Inyo County for a period of six months. Motion carried unanimously.</p> <p>Moved by Supervisor Cash and seconded by Supervisor Cervantes to approve the Contract between the County of Inyo and Bernard T. Pedersen for the provision of personal services as the Director of Public Works, County Road Commissioner, County Surveyor and County Fire Marshall at a monthly salary of \$8,100 and a motor vehicle to be assigned to the Officer for his exclusive use as required by his 24-hour emergency response required with the County, effective February 17, 2009; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.</p>

Resol. #2009-09/
Appointed Officials
Salaries

On a motion by Supervisor Cash and a second by Supervisor Cervantes, Resolution No. 2009-09 entitled "A Resolution of the Board of Supervisors, County of Inyo, State of California, Amending Resolution 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.

Recess/
Reconvene

The Chairperson recessed the regular meeting at 11:10 a.m., to reconvene in a workshop at 11:40 a.m., with all Board Members present.

Planning-Yucca Mt./
W/S w/Latir Energy

The Board convened in a workshop to receive an update from Jon Gervers of Latir Energy Consultants on the financial and political climate of the Yucca Mountain Project.

Recess/
Reconvene

The Chairperson recessed the regular meeting at 12:15 p.m., to reconvene in a Coordination Meeting with Ms. Margaret Woods, District Ranger, Inyo National Forest.

Forest Serv/
Coordination
Meeting

The Chairperson convened at 2:00 p.m., in a separate Coordination Meeting with the U.S. Forest Service, with all Board Members present, as well as Ms. Margaret Woods, White Mountain District Ranger. The Chairperson of the Inyo County Board of Supervisors chaired this meeting.

The Board and Ms. Woods discussed the Travel Management Plan. The Board highlighted a number of their concerns with the "economic analysis" contained in the document. The Board expressed a number of concerns with the economic information and questioned how the recommendations were developed, where the information for the analysis came from, and the lack of coordination with the County on the information, which ultimately ended up in the document. The Board and Ms. Woods continued to discuss the economic information at length, with Ms. Woods noting that some of the economic information was gleaned from user surveys which were conducted by the Forest Service. The Board specifically noted several areas where the information contained in the document was at odds with the recommendations. They also noted several areas where the document contradicted itself and where there were major inconsistencies throughout the document. The Board questioned the accuracy of the economic benefit statements identified in the document, noting that without Inyo County's coordination in the development of the economic indicators there can be no validity to the assertions being made regarding economic benefits of proposed road closures. Ms. Woods suggested that further discussion on the economic analysis of the Travel Management Plan be agendaized for the Coordination Meeting, saying that she would have the person who performed the analysis attend to participate in discussions on the economic information with the Board. The Board requested that the Forest Service provide the information used to establish the economic findings and recommendations contained in the document in advance of the meeting so that the Board and staff would have time to review the information and prepare for coordination discussions prior to the next Coordination Meeting. Ms. Woods clarified that she would contact the Assistant Clerk of the Board regarding the availability of the individual and if she was not available for the next meeting, the item could be re-agendaized for the next available meeting.

The Board and Ms. Woods went on to discuss those Schedule of Proposed Actions (SOPA) projects identified during the last Coordination Meeting as projects of interest to the Board. Those projects were a) Cottonwood Lakes #3 Cabin; b) Lower Wyman Canyon and Silver Canyon Road Conservation Project; c) West Olancha Wilderness Road Restoration; d) Designation of Energy Corridors on Federal Land in the Eleven Western States; and e) Forest Management Plan. Ms. Woods provided written background information on several of the identified SOPA projects. The Board noted that the information was not provided in advance of today's meeting as requested, again noting that in order for the County to be prepared for Coordination Meetings, the information needs to be provided in advance of the discussions. The Board asked that those projects, which Ms. Woods had provided the background information on, be reagendaized for the Coordination Meeting, scheduled for March 17, 2009. The County Administrator said it is unfair to give the Board the information today and then expect a substantive conversation. The Board and Ms. Woods went on to briefly discuss the projects, with Ms. Woods reporting that the Cottonwood Lakes #3 Cabin is accessible to the Department of Fish and Game even though the lease has expired. She assured the Board that while the lease is being renegotiated; noting that it has been expired for several years, the DFG's activities and access has been and will continue to be allowed. Supervisor Fortney thanked her for that assurance and indicated that this project did not need to be reagendaized. With regard to the West Olancha Wilderness Road Restoration, several Supervisors noted for the record that the word "restoration" has been defined by the Forest Service to mean the road is obliterated. Ms. Woods also clarified that e) Forest Management Plan should be retitled to Forest Plan Revision.

The group scheduled the next Coordination Meeting for 2:00 p.m., Tuesday, March 3, 2009, in the Board of Supervisors Room, at the County Administrative Center in Independence, with instructions to the Clerk that the economic analysis of the Travel Management Plan be the topic of discussion, unless notification is provided by Ms. Woods that the person who was responsible for the economic analysis is unavailable, in which case the Board asked that the SOPA discussions be moved up and the economic analysis discussion be agendaized on the following meeting.

The Chairperson announced the public comment period and Mr. Dave Tanksley addressed the Board to express his concern with the closure of the roads that provide access to the County's mineral resources. Mr. Tanksley spoke at length about the detrimental effects of eliminating mineral resource exploration and mining, including the impact to the economy of the County. Mr. Jim Scott, a resident of Inyo County, spoke agreeing with Mr. Tanksley and expressing his concern with the Federal Government not meeting its full PILT obligations to the County and other actions, which limit the County's economical viability potential.

The Chairperson adjourned the Coordination Meeting at 4:40 p.m., to reconvene the regular meeting in open session, with all Board Members present.

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

Adjournment The Chairperson noted there was no closed session scheduled for today's meeting and adjourned the regular meeting at 4:40 p.m., to 9:00 a.m., Tuesday, February 24, 2009, 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