

MINUTES

County of Inyo Board of Supervisors

March 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, March 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 Arcularius led the Pledge of Allegiance.

- Public Comment Mr. Mike Patterson of Cerro Gordo addressed the Board to talk about the need to protect local land use authority for our natural resources.
- Post Agenda Support for Amargosa Trail Project The County Administrator explained that the request for support of the Amargosa Trail Project Grant was made after the Agenda for today's meeting was posted and the letter needs to be submitted by March 23, 2009, which is prior to the next regularly scheduled meeting. Moved by Supervisor Cash and seconded by Supervisor Cervantes to find that the need to take action on a request for support of an Amargosa Trail Project grant arose after the Agenda for the March 17, 2009 Board of Supervisors Meeting was posted and there is a need for action on this item prior to the next regularly scheduled meeting, therefore this item is added as Post Agenda Item No. 21A. Motion carried unanimously.
- Org-Wild Iris/ Sexual Assault Awareness Proclamation Representatives of Wild Iris addressed the Board to support the Board proclaiming April as Sexual Assault Awareness month and Child Abuse Prevention month and talked about the activities planned throughout the County. Moved by Supervisor Cash and seconded by Supervisor Fortney to approve the proclamation declaring the month of April 2009 as Sexual Assault Awareness Month. Motion carried unanimously.
- Org-Wild Iris/Child Abuse Prevention Moved by Supervisor Cash and seconded by Supervisor Cervantes to approve the proclamation declaring the month of April 2009 as Child Abuse Prevention Month. Motion carried unanimously.
- HHS-Behavioral Hlth./NNA Contract Amendment Moved by Supervisor Cervantes and seconded by Supervisor Fortney to approve the FY 2008-09 Amended Negotiated Net Amount Contract between the County of Inyo and the State of California for alcohol and drug services programs reflecting a \$325 increase in federal funds for a total amount of \$488,355; and authorize the Chairperson to sign. Motion carried unanimously.
- HHS-Misc./Line Street Lease Moved by Supervisor Cervantes and seconded by Supervisor Fortney to approve the Lease between the County of Inyo and Timothy and/or Allison Fillmore for real property located at 568 W. Line Street, for the period of April 1, 2009 through March 31, 2011, at the rate of \$1,364.95 per month for a total annual cost of \$16,379.40; and authorize the Chairperson to sign. Motion carried unanimously.
- Probation/Extended Day Program Contract Moved by Supervisor Cervantes and seconded by Supervisor Fortney to ratify and approve the Contract between the County of Inyo and the Inyo County Office of Education for an Extended Day Program for the period of July 1, 2008 through June 30, 2009, in an amount not to exceed \$20,962; and authorize the Chairperson to sign. Motion carried unanimously.
- Probation/ Delinquency Prevention Program Moved by Supervisor Cervantes and seconded by Supervisor Fortney to ratify and approve the Contract between the County of Inyo and Healthy Communities for a Delinquency Prevention program for the period of July 1, 2008 through June 30, 2009, in an amount not to exceed \$30,000; and authorize the Chairperson to sign. Motion carried unanimously.
- HHS-IMAAA/Social Security Admin. Videoconferencing Agreement Moved by Supervisor Arcularius and seconded by Supervisor Cash to approve the Agreement between the Federal Social Security Administration and the County of Inyo allowing the Social Security Administration to continue to provide face-to-face services in Bishop through videoconferencing equipment installed at the Bishop Senior Center and authorize Ms. Jean Turner Dickinson, the IMAAA Director, to sign. Motion carried unanimously.

County Department Reports The Chairperson announced the County Department Report period. Ms. Jean Dickinson reported on a Welfare Director's Conference she had attended, providing an update on program impacts as a result of State actions to balance the State Budget.

Closed Session The Chairperson recessed open session at 9:35 a.m., to convene in closed session with all Board Members present to discuss and take action as appropriate on Agenda Item No. 5. **REAL PROPERTY NEGOTIATIONS (CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE §54956.8)** – Property – S.E. 1.07 acres of APN 002-133-02, Independence, California – Negotiating Parties – County Administrator and Director of Public Works and Administrative Offices of the Courts (AOC) – Negotiations – Terms and Conditions of Potential Lease. The Chairperson recessed closed session at 10:10 a.m., to reconvene in open session with all Board Members present.

BofS/Amargosa Trail Project Support Mr. Brian Brown of the Amargosa Conservancy addressed the Board to provide additional information and further explanation for the request to have a letter of support from the Board of Supervisors for the Conservancy's grant for a project to improve the trail through the Amargosa River Canyon. Supervisor Arcularius clarified that the grant funds the Conservancy was seeking are different than the funds available through the Sierra Nevada Conservancy. Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to approve a letter to the Amargosa Conservancy supporting the grant application for a project to improve the trail through the Amargosa River Canyon. Motion carried unanimously.

P.W./Bishop Airport Restaurant Lease Mr. Doug Wilson, Interim Planning Director and former Acting Public Works Director, provided a copy of the lease for the Bishop Airport Restaurant noting several clerical changes from the lease originally provided to the Board as back up to this item. He reviewed the conditions of the lease and introduced the lessee to the Board. In response to a question from Supervisor Arcularius regarding the flexibility of changing the menu, Mr. Lim assured the Board that initially he would be evaluating what the local patrons wanted as far as menu selection. The Board welcomed Mr. Lim and offered their congratulations on this new venture. Moved by Supervisor Cash and seconded by Supervisor Arcularius to approve the Lease between the County of Inyo and Weng-Cheong Lim for the operation of the Bishop Airport Restaurant for the period of April 1, 2009 through March 31, 2014, with four one-year options to extend through March 31, 2018; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.

Planning Update The Interim Planning Director, Mr. Doug Wilson, updated the Board on the Department's activities including reporting that the Planning Commission approved the CUP for the Coso Project.

Museum/Community Project Sponsorship Program Grant Awards Mr. Jon Klusemire, Director of Museum Services, reviewed the recommendations for the Community Project Sponsorship Grant projects, including the selection criteria. Representatives of the Lone Pine and Bishop Chambers of Commerce addressed the Board to thank the Board for their past support and to ask for reconsideration of funding for several of their projects which were disqualified because the events had taken place before the grants had been approved. Tawny Thomson of the Bishop Chamber of Commerce explained that the applications for these projects had been submitted in a timely manner and it was because of the County's need to address budget concerns that the funding had been delayed. Lone Pine asked that their applications for the Fred Hall Fishing Show and the Early Opener Trout Derby be reconsidered and the Bishop Chamber of Commerce requested that their application for the Blake Jones Trout Derby be reconsidered. The County Administrator noted that the Fred Hall project submitted by the Lone Pine Chamber had not scored well because it did not meet the criteria for the Program Grant. Supervisor Arcularius said that rather than go out for another round of applications for the unexpended funds, she would like to see the Board re-evaluate the current applications for increased funding. Supervisor Brown said that she believes the Laws Museum project should be fully funded. The Board and Staff discussed the merits of the various projects, as well as funding amounts, at length and in detail. Moved by Supervisor Arcularius and seconded by Supervisor Cash to A) approve the FY 2008-09 Community Project Sponsorship Program Grant awards recommended by the Review Panel and in the amounts recommended by Program Staff in a total amount of \$42,613, plus an additional \$3,000 for full funding of the Laws Railroad Museum project, \$10,000 for full funding of the 2009 Blake Jones Trout Derby and \$4,000 for full funding of the Early Opener Trout Derby; and split the remainder of the funds proportionately, at approximately 60% of the balance of the requested amounts for the Bishop Creek Canyon Summer Trout Derby and the Wild Wild West Marathon, for a total amount not to exceed \$65,000; and B) approve the Contracts between the County of Inyo and the FY 2008-09 Community Project Sponsorship Program applicants in the amount approved by the Board and authorize the County Administrator to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.

Recess/ Reconvene	The Chairperson recessed the regular meeting at 11:20 a.m., to reconvene in open session at 11:30 a.m., with all Board Members present.
Planning/GPA and Zone Reclass/Poole	The Chairperson opened the public hearing at 11:30 a.m., on General Plan Amendment #2008-02/Poole, an ordinance entitled "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Amending Sections 18.45.030 and 18.48.030 of the Inyo County Code, and Adding Sections 18.45.090 and 18.48.090 to the Inyo County Code" (Zone Text Amendment #2008-03/Poole) and Conditional Use Permit #2008-04/Poole. Ms. Tanda Gretz, Senior Planner reviewed the staff report and recommendations. At the conclusion of her remarks Ms. Gretz requested that the Report and its attachments be entered into the record and they were marked Exhibit A. There was no one from the public wishing to comment on this project and the Chairperson closed the public hearing at 11:40 a.m. Prior to the motion being made regarding this project County Counsel noted that the actions needing to be taken were correctly reflected on the Agenda.
Resol. #2009-10/ Neg Dec. GPA #2008-02/Poole	On a motion by Supervisor Cash and a second by Supervisor Fortney, Resolution 2009-10 entitled "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Certifying and Adopting the Negative Declaration and Environmental Impact Concerning, and Making Certain Findings with Respect to and Approving General Plan Amendment #2008-02/Poole, Zone Text Amendment #2008-03/Poole and Conditional Use Permit #2008/04 Poole," was approved: motion unanimously passed and adopted.
Planning/Ordinance Z.R. #2008-3/Poole	Moved by Supervisor Cash and seconded by Supervisor Fortney to waive the first reading of the ordinance and schedule the adoption of the ordinance for 11:00 a.m., April 7, 2009, in the Board of Supervisors Room, at the County Administrative Center, in Independence. Motion carried unanimously.
Planning/Ordinance Amending Zoning Ordinance Multiple Dwellings and Mixed Uses in Commercial Zones	The Chairperson opened the public hearing at 11:45 a.m., on an ordinance entitled "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Amending Sections 18.45.030, 18.45.050, 18.48.030, 18.48.080, 18.49.040, 18.49.050, 18.51.030, 18.51.050, 18.54.040, 18.54.050 of the Inyo County Code and Adding Sections 18.45.100 and 18.48.100 to the Inyo County Code" (Zone Reclassification No. 2009-01/Inyo County – Multiple Dwellings and Mixed Uses in Commercial Zoning Districts)." Mr. Josh Hart, Senior Planner, reviewed the staff report and recommendations. At the conclusion of his presentation, Mr. Hart requested that the report and its attachments be entered into the record and they were marked Exhibit A. There was no one from the public wishing to address this issue and the Chairperson closed the public hearing at 11:53 a.m.
Resol. #2009-11/ Neg. Dec on Z.R. #2009-01/ Multiple Dwellings	On a motion by Supervisor Cervantes and a second by Supervisor Arcularius, Resolution No. 2009-11, entitled "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Considering the Addendum to the Environmental Impact Report Prepared for the General Plan, and Making Certain Findings with Respect to Zone Reclassification No. 2009-01 (Multiple Dwellings and Mixed Uses in Commercial Zones) and Approving the Addendum to the Environmental Impact Report," was approved: motion unanimously passed and adopted.
Planning/Ordinance Z.R. #2009-01/ Multiple Dwellings	Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to waive the first reading of the ordinance and schedule the adoption of the ordinance for 11:30 a.m., April 7, 2009, in the Board of Supervisors Room, at the County Administrative Center, in Independence. Motion carried unanimously.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 11:55 a.m., to reconvene at 1:00 p.m., in open session with all Board Members present.
Planning/Travel Management Plan Comments	Mr. Doug Wilson, Interim Planning Director, provided the Board with a revised letter, noting that the change reflects a statement that the letter is providing public comment and that the County intends to continue to participate in government-to-government coordination. The Board and Staff discussed the proposed comments regarding the Travel Management Plan in detail and at length, including that the 60 day comment period is too short a period of time for an members of the public to analyze a document of this magnitude, the need to identify the value of roads as mineral routes, adding ranching and packing routes, the need to identify previously closed routes, notification that the Board's comments are not endorsements for one alternative or another, the validity of the references to the local area, economic impact analysis information presented by Supervisor Cash, the absence of local data in compiling the information presented, the cherry stemming of roads, specific routes, changing the designation of a system road to a trail when there is no justification for that action because it's not in a roadless area or a wilderness area, the section that evaluates society, culture and the economy which is really the basis of NEPA and the lack of local input in this

section, specific ambiguities in the data presented and its impact on the final conclusions, the lack of local input on our water resources, i.e., Inyo County Water Department, and the acknowledgment that there is a need to protect the use of resource based activities because they have value. The County Administrator, Mr. Kevin Carunchio, asked that the motion maker consider including in the motion an overriding statement from the Board that as the Board of Supervisors you have made no finding of consistency between this document, the Travel Management Plan, the Route Inventory, and the County's General Plan. Mr. Carunchio explained that he felt it was critical that the comment letter reflect that we do not give away the finding of consistency with the County General Plan to somebody else's analysis because that right is preserved for the Board. Moved by Supervisor Cash and seconded by Supervisors Fortney to direct the Interim Planning Director, Mr. Doug Wilson, to compile all of the comments and add to those comments that the County Board of Supervisors finds no consistency with the General Plan and put that together into a letter to the Inyo National Forest addressing the Travel Management Plan DEIS; within the time allotted and authorize the Chairperson to sign.

- Planning/Annual Progress Report to Dept. of Housing The Board and Staff discussed the Progress Report, including replacing "collaboration" with "coordination," on page 9, change the past tense reference of coordinated to present tense to on-going coordination on page 8, and also on page 8 make reference to the EIS as it should be route inventory specific. Moved by Supervisor Cash and seconded by Supervisor Cervantes to approve the Inyo County 2008 Annual Progress Report (APR) as amended and direct Staff to forward APR with any modifications to the State of California Department of Housing and Community Development and the Governor's Office of Planning and Research. Motion carried unanimously.
- Recess/ Reconvene The Chairperson recessed the regular meeting at 2:20 p.m., to reconvene in open session at 2:30 p.m., with all Board Members present.
- P.W./Schabbell Lane Improvement Project The Public Works Director, Mr. Ted Pedersen, provided the Board with Staff recommendations regarding the award of the Contract for the Schabbell Lane Improvement Project. He explained that the bid submitted by the apparent low bidder, Pacific Asphalt Services, has been determined to be non-responsive because the terms of the bid bond submitted by Pacific Asphalt Services differ substantively from those required by the bid proposal. He also informed the Board that there is sufficient STIP funding for the project and the reserved 1B money will not be needed. Moved by Supervisor Fortney and seconded by Supervisor Cash to A) reject the bid submitted by Pacific Asphalt Services as non-responsive to the requirements of the bid proposal; B) award and approve the Contract for the Schabbell Lane Improvement Project to Granite Construction in the amount of \$596,610; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained; and C) authorize the Public Works Director to execute all other documents, including Contract change orders, to the extent permitted by Public Contract Code §20141 and other applicable law. Motion carried unanimously.
- Water Dept./Support for Additional Mitigation Projects The Water Director, Dr. Bob Harrington, provided additional information and further explanation on the request for the Board to approve a letter to LADWP supporting the additional mitigation projects developed by the MOU Ad Hoc Group. Moved by Supervisor Arcularius and seconded by Supervisor Cash to approve the letter to LADWP expressing support for the mitigation projects described in the "Additional Mitigation Projects Developed by the MOU Ad Hoc Group" document; and authorize the Chairperson to sign. Motion carried unanimously.
- BofS/Foster Care Commission Appointments Moved by Supervisor Arcularius and seconded by Supervisor Fortney to add the Inyo County Foster Care Commission to the Boards, Committees and Commissions Book and the Board of Supervisors yearly appointment list and appoint Supervisor Beverly Brown as the Board's representative and Supervisor Susan Cash as the alternate to the Inyo County Foster Care Commission for Calendar Year 2009. Motion carried unanimously.
- Parks/Campground Host Program The Deputy County Administrator, Mr. Chuck Hamilton, reviewed the proposed Inyo County Campground Host Program, including the duties and responsibilities of the host, and that the host will not act as law enforcement, with Supervisor Fortney requesting that a "code of conduct" to govern the conduct of the hosts be developed and approved by the Board. The Board and Staff discussed having the Campground Host, if implemented at Diaz Lake, also be responsible and trained to do boat inspections if required. Moved by Supervisor Cash and seconded by Supervisor Cervantes to authorize the implementation of the Inyo County Campground Host Program at selected County Campgrounds as recommended by Staff, with the addition of boat inspection requirements at Diaz Lake, and directing that a Code of Conduct be developed for the Campground Hosts to be approved by the Board of Supervisors. Motion carried unanimously.

CAO-Indy Courthouse Facility Letter	Moved by Supervisor Cash and seconded by Supervisor Arcularius to approve a letter to the Judicial Council of California identifying economic opportunities, including a below market lease, the County has identified that will reduce capital and operating costs for the State of California relative to the siting of the New Independence Courthouse Facility; and authorize the Chairperson to sign. Motion carried unanimously.
CAO-Livestock Feasibility Study Contract Amendment	Moved by Supervisor Cash and seconded by Supervisor Arcularius to approve Amendment 1 to the Contract between the County of Inyo and National Center for Appropriate Technology, for the provision of Natural Livestock Feasibility Study Services, adding Task #8 – Final Report Presentation, to the Scope of Work and amending the project budget by reallocating unspent funds from Tasks #1-7, at total of \$11,340, to Task #8, for a total unchanged amount not to exceed \$42,000; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
Emergency Serv./ Oak Creek Mud Flows Emergency	The County Administrator recommended that the Oak Creek Mud Flows emergency be continued for the reasons articulated in previous meetings. 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.
Board Members and Staff Reports	The Board Members reported on their activities during the preceding week including a COG Meeting, an ESTA Meeting, the Blake Jones Trout Derby, and the Planning Commission Meeting. The County Administrator announced that maps of the California Wilderness' wilderness proposal are available for viewing at the Bishop and Lone Pine libraries and are being made available through the County's GIS Program.
Public Comment	The Chairperson announced the public comment period and there was no one from the public wishing to address the Board.
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 3:45 p.m., to 9:00 a.m., Tuesday, April 7, 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