

MINUTES

County of Inyo Board of Supervisors

April 7, 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, April 7, 2009, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Beverly Brown presiding, Linda Arcularius, Susan Cash, and Marty Fortney Supervisor Cervantes was absent. Supervisor Brown provided the Invocation, and Supervisor Cash led the Pledge of Allegiance.

- Public Comment** The Chairperson noted that today's meeting would be adjourned in memory of Millie Cyrus a long time resident and good friend to many people. The Chairperson went on to open the public comment period and there was no one from the public wishing to address the Board.
- County Department Reports** The Chairperson opened the County Department Report period. Ms. Jean Turner, Director of Health and Human Services, provided information concerning caseload volume, noting that many people who are applying for aid are not being approved, and it's the impact of the applications that are affecting the volume of work. Mr. Ted Pedersen, Public Works Director, informed the Board that the Federal stimulus amount has been identified and the local amount is \$1,392,523, with \$25,525 going towards TEA projects, \$320,000 adopted for city projects and the remaining \$1,047,998 for County projects. Mr. Pedersen told the Board that he would be bringing back staff recommendations for projects for the Board to consider during next week's board meeting. The Agricultural Commissioner, Mr. George Milovich, updated the Board on information he had gleaned regarding the affect of the upcoming election on the State grant funds. The Water Director, Mr. Bob Harrington, provided the Board with preliminary snowpack and run-off figures and to talk about an upcoming Technical Group Meeting.
- Integ. Waste/BLM Transfer Site Agreement** Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve the Bureau of Land Management CA-Desert District OFC Purchase Order Agreement, obligating Inyo County to provide waste transfer sites at Olancha, Keeler, Darwin, Homewood Canyon and Tecopa for the annual amount of \$20,000; and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Cervantes absent.
- Library/Branson Foundation Donation Agreement** Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve the Donation Agreement between the Donald and Ruby Branson Foundation and the County of Inyo for the purchase of bookcases and other library furniture in the amount of \$52,000; and authorize the Library Services Director to sign. Motion carried unanimously, with Supervisor Cervantes absent.
- Ag. Comm./ Weight Truck Use** Moved by Supervisor Arcularius and seconded by Supervisor Fortney to authorize the use of the weight truck for the Mule Pulling Contest, Sunday, May 24, 2009, during the Mule Days events at the Tri-County Fairgrounds. Motion carried unanimously, with Supervisor Cervantes absent.
- Ag. Comm./ 2008-09 Mosquito Chemical P.O.** Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve a blanket purchase order to Adapco Fennimore Chemical for mosquito abatement chemicals in an amount not to exceed \$50,000 to be paid from the FY 2008-09 Mosquito Abatement Budget. Motion carried unanimously, with Supervisor Cervantes absent.
- Ag. Comm./ 2009-10 Mosquito Chemical P.O.** Moved by Supervisor Arcularius and seconded by Supervisor Fortney to A) declare Wachovia (Adapco/Fennimore Chemical) a sole-source provider of mosquito abatement chemicals for FY 2009-2010; and B) approve a blanket purchase order to Adapco Fennimore Chemical for mosquito abatement chemicals in an amount not to exceed \$50,000, effective July 1, 2009, to be paid from the FY 2009-2010 Mosquito Abatement Budget, contingent upon the Board's adoption of a FY 2009-2010 budget. Motion carried unanimously, with Supervisor Cervantes absent.

Ag. Comm./Ag Resource Board Chamber Appt.	Moved by Supervisor Arcularius and seconded by Supervisor Fortney to appoint Ms. Tawni Thomson as the Chamber of Commerce Representative to the Agriculture Resource Advisory Board, to serve one year of a three-year rotating term, which began August 22, 2008 and expires August 22, 2009. Motion carried unanimously, with Supervisor Cervantes absent.
HHS-Hlth. Serv./ Amended JPA for CVISS	Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve the amended and restated Joint Exercise of Powers Agreement (JPA) of the Central Valley Immunization Information System (CVISS) by and between the counties of Fresno, Inyo, Kern, Kings, Madera, Mono and Tulare for the provision of Immunization Outreach; and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Cervantes absent.
HHS-Soc. Serv./ Amendment 2 to MOU for SAWS Consortium	Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve Amendment #2 to the Memorandum of Understanding between the California Statewide Automated Welfare System (SAWS) Consortium IV(C-IV) and the County of Inyo to (a) allow for the transfer of consortium assets to counties; (b) allow counties the option to request separate services through the consortium; (c) approve new language for current maintenance & operations claiming process; and (d) include the migration counties in the current County purchases process for hardware and software; and authorize the Chairperson to sign. Motion carried unanimously with Supervisor Cervantes absent.
P.W./Hickman Contract Relocate Water System Utilities	Moved by Supervisor Arcularius and seconded by Supervisor Fortney, to approve the Contract between the County of Inyo and Hickman Construction for relocating water system utilities in the Caltrans right of way preparatory to the widening of Highway 395 in Independence, in an amount not to exceed \$15,730; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously, with Supervisor Cervantes absent.
Resol. #2009-12/ Accepting Indy Airport Project	On a motion by Supervisor Arcularius and a second by Supervisor Fortney Resolution No. 2009-12 was approved accepting the improvements and authorizing the recording of a Notice of Completion for the Independence Airport Apron Improvement Project: motion unanimously passed and adopted, with Supervisor Cervantes absent.
Planning Dept. Update	The Interim Planning Director, Mr. Doug Wilson, updated the Board on the Planning Department activities during the preceding week, including notification that the Board has received an appeal of the Planning Commission's decision regarding the Walters project; a report on a conference call, he had participated in along with Supervisors Arcularius and Brown and the County Administrator, with other counties that have similar interests on federal coordination; a report on the Washington, D.C. trip regarding the Yucca Mountain project; notification that the County has received a request to comment on a proposed project to build an airport in Pahrump on the border between Inyo County and Nevada with an explanation that this is a different airport than the one proposed in Sandy Valley; and reporting about an upcoming meeting with the developers interested in the Charleston View area. Supervisor Cervantes jointed the meeting at 9:17 a.m.
Resol. #2009-13/ Supporting 2010 Census	The Interim Planning Director, Mr. Doug Wilson, introduced Mr. Daniel Romero of the U.S. Census Bureau to the Board. Mr. Romero made a brief presentation to the Board regarding the upcoming Census, stressing the need to have this Census be as accurate as possible. Mr. Romero noted that in the last Census there was only about 66 percent participation in Inyo County. The Board and Mr. Wilson briefly discussed the information provided as backup for this item which talks about the formation of a "complete count committee" with Mr. Wilson saying that should that be a recommendation, staff would bring an item back for the Board's formal action. On a motion by Supervisor Cash and a second by Supervisor Arcularius, Resolution No. 2009-13, entitled "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Voicing Support for the 2010 Census," was approved: motion unanimously passed and adopted.
HHS-Mental Hlth. Serv./MHSA Plan	Dr. Zweir, Inyo County Mental Health Director, reviewed the MHSA Plan in detail. Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve and authorize the submission of the MHSA PEI 08/09 Plan to access \$150,000 under the approved MHSA Agreement and authorize the Mental Health Director to sign. Motion carried unanimously.
HHS-AODS/Alpine Counseling Contract Drug Court Related Services	Moved by Supervisor Cash and seconded by Supervisor Arcularius to ratify and approve the Contract between the County of Inyo and Alpine Counseling Center for the provision of drug court related services for the period of January 1, 2009 through December 31, 2009, in an amount not to exceed \$20,616, contingent upon the Board's adoption of a FY 2009-2010 budget; and authorize the Chairperson to sign. Motion carried unanimously.

P.W./Big Pine Care Center Demolition Contract Amend.	The request for approval of the amendment to the Contract with Doug Clair for demolition of the ancillary structures on the property where the Big Pine Care facility is located, which the Board had directed be removed, was pulled from consideration at the request of the Public Works Department.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 10:00 a.m., to reconvene in open session at 10:10 a.m., with all Board Members present.
Water Dept./ Standing Comm. Agenda Items	Dr. Bob Harrington, Inyo County Water Director, explained that staff is still working on the information for the items to be considered at the April 23, 2009 Standing Water Committee meeting. He talked about an upcoming Technical Committee meeting, new protocol for the seasonal habitat flows for the LORP, the run off forecasts and the impact of the runoff on the annual pumping plan, and the Blackrock Water Fowl Reporting and Monitoring protocol. The Board deferred direction to the County's representatives to the Standing Committee regarding the items to be discussed at the upcoming Standing Committee Meeting, until the April 14, 2009 Board of Supervisors Meeting.
Water Dept./ Integrated Regional Water Management Plan	<p>Dr. Bob Harrington, Inyo County Water Director, reviewed the staff report and recommendations regarding the development of an Integrated Regional Water Management Plan (IRWMP). He explained that since the State has suspended the grants there is no funding for the planning and development phase, that the State has prioritized implementation and in order for the County to qualify for funds there is a need to have an IRWMP. Dr. Harrington confirmed that the MOU has been amended to include those items requested by the Board. The Board and Dr. Harrington discussed the viability of a region the size that is being proposed, concerns with the fiscal sponsor requirement, and clarification of the MOU language concerning the groups ability to make binding decisions without Board of Supervisors approval. Dr. Harrington and County Counsel noted sections of the MOU, which protect the County's decision-making authority. After the motions noted below, Supervisor Brown explained that while she is not supporting the IRWMP, once it was approved by the Board, she felt it was important to have Dr. Harrington represent the County during the Regional Acceptance process, thus her support vote. Also after the motions were approved, Supervisor Arcularius explained that while she has concerns with the size of the local region being proposed she understands that the boundaries need to follow the water shed which does not stop at county or State lines.</p> <p>Moved by Supervisor Cash and seconded by Supervisor Fortney to approve the MOU governing the initial pre-planning stage for the planning process of an IRWMP and authorize the Chairperson to sign. Motion carried on a four-to-one vote, with Supervisors Arcularius, Cash, Fortney and Cervantes voting yes and with Supervisor Brown voting no.</p> <p>Moved by Supervisor Cash and seconded by Supervisor Cervantes to authorize the Water Director to represent Inyo County in the Regional Acceptance process and approve a letter of support for the approval of the Inyo-Mono region in the Regional Acceptance Process and authorize the Chairperson to sign. Motion carried unanimously.</p>
Recess/ Reconvene	The Chairperson recessed the regular meeting at 11:20 a.m., to reconvene in open session at 11:25 a.m., with all Board Members present.
Ord. 1142/Zone Code Amendment Floor Area Ratio	On a motion by Supervisor Fortney and a second by Supervisor Arcularius, Ordinance 1142, 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," was enacted: motion unanimously passed and adopted.
BofS/SNC Annual Report	Ms. Julie Bear, Mt. Whitney Area Representative of the Sierra Nevada Conservancy, presented the Conservancy's Annual Report to the Board. Ms. Bear briefly reviewed some of the statistics contained in the report, updated the Board on a new resource available on the Conservancy's website and provided information on the status of grant funds.
Ord. 1143/Zone Code Amendment Multiple Dwelling & Mixed Use in Commercial Zones	On a motion by Supervisor Arcularius and a second by Supervisor Cervantes, Ordinance 1143, 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," was enacted: motion unanimously passed and adopted.

Emergency Serv. Oak Creek Mud Flow Disaster	The County Administrator recommended that the Oak Creek Mud Flows emergency be continued until such time as the Department of Water and Power has the permanent diversion structures completed. The Board and Mr. Carunchio also discussed the impact on local land owners of a flood plain designation, i.e. ability to get insurance, ability to rebuild, etc. 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.
BofS/Minute Approval	The Assistant Clerk requested that the minutes of the February 24, 2009 Board of Supervisors Meeting be amended to reflect the spelling of "weather" changed to "whether" on the second page, sixth paragraph, the fourth line. Moved by Supervisor Cash and seconded by Supervisor Cervantes to approve the minutes of the Board of Supervisors Meetings of A) February 24, 2009, as amended; B) Special Meeting of February 28, 2009; C) March 3, 2009; D) March 10, 2009; and E) March 17, 2009. Motion carried unanimously.
CAO-Info Serv./ Anti-Virus Software Licensing Agreement	The County Administrator provided additional information and further justification for the request to purchase new anti-virus software. He advised the Board that the General Fund Contingencies balance is \$138,238. Moved by Supervisor Cash and seconded by Supervisor Fortney to A) approve a three year licensing agreement with ISD Security, LLC, for Sophos Endpoint Security and Control (Anti-Virus) software in an amount not to exceed \$11,722; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained; and B) amend the FY 2008-09 County Budget by increasing appropriations in Information Services Budget Unit 011801, Maintenance of Computers (<i>Object Code #5171</i>) by \$7,300 and reducing appropriations in General Fund Contingencies Budget Unit 087100, Contingencies (<i>Object Code #5901</i>) by \$7,300. Motion carried unanimously.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 12:00 a.m., to reconvene in open session at 1:30 p.m., with all Board Members present.
Board Members and Staff Reports	The Board Members reported on their activities during the preceding week, including a CSAC Executive Board Meeting, a Bishop City Council Meeting, an Inyo First 5 Strategic Plan Meeting, the ICARE Dinner, a California Emerging Technologies Meeting, a RAN Meeting, a Southern Inyo Hospital Board Meeting, an EMCC Meeting, the American Legion Boys and Girls State Banquet, a RCRC Board Meeting, the Coordination conference call, the Washington D.C. trip, and an IMAAA Board Meeting.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 2:10 p.m., to reconvene at 2:15 p.m., in a coordination meeting with the Forest Service personnel.
Forest Service Coordination	The Chairperson convened at 2:10 p.m., in a separate Coordination Meeting with the U.S. Forest Service, with all Board Members present, as well as Mr. Jim Upchurch, Inyo Forest Supervisor and Ms. Margaret Wood, White Mountain District Ranger. The Chairperson of the Inyo County Board of Supervisors chaired this meeting. The Chairperson announced the public comment period and there was no public comment forthcoming. The Board, Mr. Doug Wilson, Acting Planning Director, and the Forest Service personnel discussed the roadless area definition. Mr. Wilson explained that in past discussions Mr. Upchurch has been urging discussions on specific routes and in his review of specific routes it seems like a huge number of routes that would be of concern would be in the roadless area. Mr. Wilson went on to say that he felt there may not be a complete understanding between the Forest Service and the County as to exactly what that means. He said that he felt if the parties could come to an understanding, it might be possible to reduce the number of roads in contention by a big number at one time, rather than one road at a time. Mr. Upchurch indicated that the group has discussed this a couple of times and he would be more than happy to clarify issues if that is needed. He said that the people who had participated at the collaborative planning team have heard this before. Mr. Upchurch said "Essentially, we have inventoried roadless areas that were drawn back in the 1970's that identified areas that would be managed for roadless character. It doesn't necessarily mean that they don't have roads because they do. It's just that they were drawn to preserve a particular type of character that was part of what inventoried roadless areas identified." Mr. Upchurch went on to talk a little bit about the fact that "roadless areas" have been in contention all across the Country for a variety of reasons. He said because of this contention when President Clinton was in office a "roadless rule" was developed in 2001 that lasted until President Bush came into office at which time a different rule rule was enacted that was a little bit different that allowed for a petitioning process. He said both rules had protection of roadless areas as the prime concern, they

just differed in how that was to be accomplished. He said both have been in court and there are two different court opinions as to which one is valid. He explained that the latest ruling says that the roadless rule that governs the California and western states jurisdiction is the 2001 rule and that is the rule, which essentially allows roads to exist that have existed as system routes. He said if they weren't system routes in roadless, they are considered additions or construction or reconstruction, which are prohibited under the roadless rule, and because of the rule they cannot just add system routes in the roadless area. He said they were left in a position where they needed to put something on the system that made sense and they had a subsequent definition that was given to them from their national office that would allow them to designate trails in the roadless areas, that is, they have the ability to designate motorized trails because motorized OHV trails are not prohibited within roadless areas. He explained that the EIS was developed from this position and the series of alternatives were developed so that there were different levels of trails that they could add within roadless and that's displayed in the EIS, which ranges from zero to two-hundred and twenty-two miles of routes.

The Board and Mr. Upchurch continued to discuss the roadless rule and its impact on historic routes which the Board indicated could have purposely and erroneously been not included when the 1970 maps were drawn, since the roads have been there since the turn of the century all the way up to when the mapping occurred. Mr. Upchurch explained that he believed in the 1970's they were mapping to identify areas that had roadless character and roadless character does not entail roads. Mr. Upchurch explained that roadless character means trying to protect an area in its essence, not necessarily as wilderness, but as far as a semi-primitive type of an experience, "so there's not a lot of construction, there's not a lot of timber harvest or other type of commodity or extraction type of things. It doesn't prohibit mining; it doesn't prohibit the things that are required by law; but, it's trying to protect the semi-primitive type of an experience." He went on to say that there is no opportunity to change a roadless area map other than through the petition process, which was under the Bush rule. The Board Members questioned Mr. Upchurch on who made the decision in determining the roadless character and roadless areas back in the 70's and even the 90's. Mr. Upchurch indicated that there are no records concerning this, there is only the maps which show the roadless areas which include a little bit of a description about the roads that were there and the roads that weren't there. He said there were no files, which give a description of which roads were in and which roads were out. The Board and Mr. Upchurch continued to discuss the roadless areas, including the mapping history and the part the County's General Plan plays in federal decisions regarding designation of routes in the system.

Supervisor Arcularius asked Mr. Upchurch if he had the opportunity to review the minutes and said that the minutes of March 3, 2009, contain a statement that says "the Board also asked about the criteria to be used to close a road. Mr. Upchurch reiterated that the Forest Service does not intend to close any road unless it falls under the criteria of roadless." Supervisor Arcularius asked Mr. Upchurch if that was a true statement and Mr. Upchurch indicated that it was. Mr. Upchurch and Supervisor Arcularius briefly discussed the statement and the review of minutes.

The Board continued to question the circumstances surrounding the development of the roadless maps in 1970 and what the map makers and the decisions makers knew with regard to the existing roads that were not reflected on the maps, with the Board noting that if the coordination requirement had been in place back then all of the deficiencies being talked about today would have been identified. The Board and Mr. Upchurch went on to discuss (a) the coordination process; (b) the NEPA process; and (c) the accuracy of the survey data and material contained in the EIS" in detail and at length. The Board and Mr. Upchurch also discussed the need to develop a coordination process that will work for both entities. The group went on to discuss the following SOPA Projects, (a) Lower Wyman Canyon and Silver Canyon Road Conservation Project; (b) West Olanca Wilderness Road Restoration; (c) Designation of Energy Corridors on Federal Land in the Eleven Western States; and (d) the Forest Management Plan. Ms. Margaret Wood provided a copy of the latest SOPA to the Board. The Board and Mr. Upchurch went on to address the future meeting schedule and future agenda items, with the Board and Mr. Upchurch agreeing to have Staff, Mr. Doug Wilson, Interim Planning Director and Ms. Nancy Upham, Inyo Forest Public Information Officer, work on developing a method for how the coordination process will proceed in the future before the next meeting is scheduled. The Chairperson announced the public comment period. Mr. Jim Scott addressed the Board to talk about the importance of the packing operations to our local economy and to support the Board of Supervisors in their efforts to maintain access to public lands. Mr. Dave Tanksley, also addressed the Board to support the local packing operations. The Chairperson adjourned the coordinatinon meeting at 4:30 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 adjourned the regular meeting in memory of Millie Cyrus. The Chairperson adjourned the meeting at 4:30 p.m., to 9:00 a.m., Tuesday, April 14, 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