



County of Inyo Board of Supervisors

April 21, 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 21, 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 Fortney led the Pledge of Allegiance.

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

County Department The Chairperson announced the County Department Report period. Dr. Bob Harrington, Inyo
Reports County Water Director, provided the Board with the agenda for an upcoming workshop by the So. Lahontan Regional Water Board on the California Water Plan Update 2009. Dr. Harrington also presented the Board with a copy of LADWP's Draft Owens Valley Operations Plan for 2009-10, explaining that he will be returning next week with the County's response. Mr. Jon Klusmire, Museum Director, reported on the opening of the Norman Clyde Exhibit and acknowledged Alpine Signs, Community Printing, and Serenity Pines for their work on the Exhibit. Supervisor Arcularius requested that thank you letters be sent to the noted merchants. Mr. Klusmire went on to report on the 40th Annual Manzanar Pilgrimage scheduled for next Friday.

BofS/Foster Care Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to appoint Supervisor
Comm. Change in Susan Cash as the Board's representative to the Inyo County Foster Care Commission and
Appointment Supervisor Beverly Brown as the alternate. Motion carried unanimously.

HHS-First 5 Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to A) terminate the
Comm./Change in appointment of Denelle Carrington as the Health and Human Services Director's designee to the
HHS Director First 5 Commission and B) appoint Linda Benson as the HHS Director's designee to complete an
Appointee unexpired term ending April 20, 2011. Motion carried unanimously.

Planning-Yucca Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to approve the draft
Mt./Comment comment letter on the U.S. Department of Energy/Office of Civilian Radioactive Waste
Letter to DOE Management's National Transportation Plan dated January 2009; and authorize the Chairperson to
sign. Motion carried unanimously.

Planning Update The Interim Planning Director, Mr. Doug Wilson, updated the Board on the Department's activities during the preceding week, including a meeting on the Blueprint Design and 395 Corridor Study, a meeting with Ms. Nancy Upham of the U.S. Forest Service on future coordination meetings and to schedule County Planning Staff to review the comments received by the Forest Service on the Travel Management Plan DEIS.

Closed Session The Chairperson recessed open session at 9:35 a.m., to reconvene in closed session, with all Board Members present to discuss and take action as appropriate on Agenda Items No. 3. **CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION (Pursuant to Government Code §54956.9(b)(3)(B))** - appeal of assessed valuation by owners of Coso Geothermal Project; No. 4. **PERSONNEL (Pursuant to Government Code §54957)** – Public Employee Appointment – Title: Planning Department Director; and No. 5 **CONFERENCE WITH LABOR NEGOTIATOR (Pursuant to Government Code §54957.6)** – Instructions to Negotiators re: wages, salaries and benefits – Title: Planning Department Director – Negotiator: as designated by the Board of Supervisors. The Chairperson recessed closed session at 11:20 a.m., to reconvene in open session at 11:30 a.m., with all Board Members present.

BofS/Mike Patterson Update Mr. Mike Patterson of Cerro Gordo reported on a meeting he had with staff from Senator Dianne Feinstein's office regarding wilderness. In response to a remark made by Mr. Patterson concerning Senator Feinstein's staff being surprised when he informed them of the Inyo County Board of Supervisors position opposing further wilderness designations in Inyo County, Supervisor Arcularius said that she was requesting that copies of last year's correspondence to the Senator as well as to Senator Boxer and Congressman McKeon delineating Inyo County's concerns with further wilderness designations be sent to Senator Feinstein's staff members.

Planning/Draft 2009 Housing Element The Chairperson opened the public hearing at 12:05 p.m., on the Draft 2009 Housing Element. Mr. Josh Hart, Senior Planner, reviewed the staff report and recommendations. The Board and Staff discussed the Draft Housing Element in detail and at length, including amendments as follows:

- (a) expand the language regarding mobile homes to note they can exhibit equal or better quality than stick-built homes;
- (b) notification that the Los Angeles Department of Water and Power only allows mobile homes on their leases;
- (c) determine whether additional units were permitted by State Department of Housing and Community Development since the beginning of the reporting period in 2007 in mobile home parks;
- (d) clerical correction in the last sentence of the 5th paragraph on page 3 change "facilitation" to "facilitate;"
- (e) change the word "participates" in the first sentence of the last paragraph on page 3 to "encourages;"
- (f) delete the word "by" in the third bullet, second sentence on page 4;
- (g) change the word "direct" in response portion of the third bullet on page 5 to "guide;"
- (h) modify the response in the first bullet on page 6 to indicate that the County participates in land release programs to the extent that it can, including the Land Tenure Project;
- (i) replace the last sentence in the fourth bullet on page 6 with language from the resolution adopted for the vacation rental policy;
- (j) verify that farm workers are included in Table 4 on page 12;
- (k) delete the word "environmental" in the last sentence of the second-to-last paragraph on page 15;
- (l) replace the word "ensure" with "encourage" in the last sentence of the first full paragraph on page 16;
- (m) include the phrase "The County has determined" prior to the last sentence in the descriptions of Site 1 (Bishop/Summit) on page 35, Site 3 (Pine Creek) on page 36, and Site 9 (Wells/Harboldt) on page 36;
- (n) investigate whether it is appropriate to include Site 11 (Hanby) in the Land Inventory (refer to page 36 and 37, and Table 29 on page 39) and if not identify other sites for the Land Inventory to offset units from Site 11;
- (o) include a description of pending litigation for Site 20 (The Arbors) on page 36;
- (p) insert references to Community Service Districts and Homeowner's Associations in second sentence of the first paragraph under the subheading "Infrastructure Constraints" on page 59 and otherwise modify the sentence to ensure that it is not construed to require that improvements be dedicated to the County;
- (q) revise policy 1.1 on page 63 to begin with the phrase "The County may consider seeking.."
- (r) delete the word "County" from all Responsible Party designations in Chapter 5, or otherwise clarify that the Planning Department is the responsible party as appropriate; and
- (s) investigate moving to an 8-year housing element update cycle per SB375.

Ms. Pam Mitchell, Bishop Resident, addressed the Board to support the Housing Element. Mr. Dave Tanksley asked if this would address the zoning and open space designations. There was no one else wishing to address the Board. The Chairperson closed the public hearing at 1:05 p.m.

Moved by Supervisor Fortney and seconded by Supervisor Arcularius to approve the Draft 2009 Housing Element, as amended to reflect those changes identified during the public hearing discussion, and direct staff to submit the Element to the California Department of Housing and Community Development (HCD) for its preliminary review. Motion carried unanimously.

Recess/Reconvene The Chairperson recessed the regular meeting at 1:05 p.m., to reconvene as the Board of Equalization (see separate minutes). The Chairperson reconvened the regular meeting of the Board of Supervisors at 2:30 p.m., with all Board Members present.

P.W./Big Pine Care Facility Demolition Contract Amendment Mr. Ted Pedersen, Public Works Director, explained the amendment to the Contract for the demolition of the Big Pine Care facility was a result of additional work the Board of Supervisors had authorized which was not a part of the original specifications for the project. Supervisor Brown expressed a desire to, in the future, have more complete project specifications in order to minimize the need for change orders. The Board noted that the change order was required because of additions to the project the Board had requested.

Moved by Supervisor Fortney and seconded by Supervisor Cash to ratify and approve the Amendment to the Contract between the County of Inyo and Doug Clair, Inc., increasing the contract amount by \$40,725 to a total contract amount of \$208,510, to cover the cost of additional demolition requested by the Board of Supervisors and additional work requested by the Public Works Director on the Big Pine Care Facility Demolition Project and authorize the Chairperson to sign. Motion carried unanimously.

Moved by Supervisor Fortney and seconded by Supervisor Cervantes to amend the FY 2008-09 Deferred Maintenance Budget Unit 011501 by increasing estimated revenue in Operating Transfers In (*Revenue Code #4998*) by \$81,921 and increasing appropriations in Other Professional Services (*Object Code #5265*) by \$63,535, Internal Charges (*Object Code #5121*) by \$15,514, External Charges (*Object Code #5124*) by \$1,121, Maintenance of Structures-Labor (*Object Code #5191*) by \$975 and Maintenance of Structures (*Object Code #5199*) by \$776 (*4/5's vote required*). Motion carried unanimously.

Moved by Supervisor Fortney and seconded by Supervisor Cervantes to amend the FY 2008-09 Geothermal Royalties Budget Unit 010406 by increasing appropriations in Operating Transfer Out (*Object Code #5801*) by \$81,921. Motion carried unanimously.

P.W./Surface Transp. Projects The Public Works Director, Mr. Ted Pedersen, presented the Board with Staff's recommendations for projects to be submitted to Congressman McKeon for Surface Transportation Authorization Projects. He explained that the County is submitting applications for two projects: the Whitney Portal Road Improvement Project and the Olancha/Cartago Expressway Project. He informed the Board that the County has worked with Caltrans and the Forest Service and will be receiving letters supporting the applications. Additionally, he said that a request for support will be presented to the LTC during its meeting tomorrow. Moved by Supervisor Cervantes and seconded by Supervisor Cash to A) authorize the submittal of the Surface Transportation Authorization Project Request forms to Congressman McKeon for two projects, these being the Whitney Portal Road Improvement Project and the US 395 Olancha/Cartago Expressway Project; and authorize the Public Works Director to sign the request forms and B) approve the letters to Congressman McKeon from the Board of Supervisors supporting the projects; and authorize the Chairperson to sign. Motion carried unanimously.

Water Dept./Standing Committee Mtg. Agenda Dr. Bob Harrington, Inyo County Water Director, presented the Board with the agenda for the upcoming Standing Water Committee Meeting to be held in Los Angeles on April 23, 2009. The Board and Dr. Harrington discussed the items in detail, with the Board agreeing with Staff's recommendations regarding the items to be discussed.

Museum/Brill Car Operations Lease with Laws Moved by Supervisor Cash and seconded by Supervisor Arcularius to A) certify that the Negative Declaration, relating to the operation of the Bishop Museum and Historical Society's operation of the Brill Car, was prepared in compliance with the California Environmental Quality Act (CEQA), was presented to and considered by the Board and reflects the independent judgment of the Board, and find that the proposed project will not have a significant effect on the environment; and B) approve the Lease Agreement between the County of Inyo and the Bishop Museum and Historical Society for the operation of the Brill Car; and authorize the Chairperson to sign. Motion carried unanimously.

Emergency Serv./Oak Creek Disaster Continued The County Administrator recommended the Board continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows until the Los Angeles Department of Water and Power has the permanent diversion structures in place. Moved by Supervisor Fortney and seconded by Supervisor Cervantes to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.

BofS/Minute Approval Supervisor Brown requested a correction of the minutes of April 7, 2009, on the first page, second paragraph, first sentence and on the last page, last paragraph, first sentence, change the name Nellie to Millie. Moved by Supervisor Cervantes and seconded by Supervisor Fortney to approve the minutes of the April 7, 2009 Board of Supervisors Meeting. Motion carried unanimously.

Public Comment The Chairperson announced the second public comment period and there was no public comment forthcoming.

Board Members and Staff Reports The Board Members reported on their activities during the preceding week, including a Big Pine Ditch Meeting, a State Watershed Committee Meeting, an Agricultural Advisory Committee Meeting, and a Mental Health Board Meeting. The County Administrator reported on a FAC Meeting.

Closed Session The Chairperson recessed open session at 4:58 p.m., to reconvene in closed session, with all Board Members present, to continue discussion on previously noted closed session items.

Report on Closed Session The Chairperson recessed closed session at 5:48 p.m., to reconvene in open session to receive a report on closed session. County Counsel reported that with regard to Agenda Item No. 4. **PERSONNEL (Pursuant to Government Code §54957)** – Public Employee Appointment – Title: Planning Department Director; and No. 5 **CONFERENCE WITH LABOR NEGOTIATOR (Pursuant to Government Code §54957.6)** – Instructions to Negotiators re: wages, salaries and benefits – Title: Planning Department Director – Negotiator: as designated by the Board of Supervisors, the Board of Supervisors is pleased to announce, on a unanimous vote, with Supervisors Arcularius, Cash, Brown, Fortney and Cervantes voting yes, the appointment of Mr. Mike Conklin as the Planning Director effective May 1, 2009, at a salary of \$8,700/mo, upon the approval of a personal services contract to be considered by the Board in open session at a future meeting. County Counsel reported that with regard to Agenda Item No. 3. **CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION (Pursuant to Government Code §54956.9(b)(3(B))** - appeal of assessed valuation by owners of Coso Geothermal Project, the Board, in a unanimous vote, with Supervisors Arcularius, Cash, Brown, Fortney and Cervantes voting yes, approved a settlement agreement and mutual release on existing litigation on the assessed valuation and taxes, subject to approval of the assessed value by the Inyo County Board of Equalization.

Adjournment The Chairperson adjourned the regular meeting at 5:48 p.m., to 9:00 a.m., Tuesday, August 28, 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