

# MINUTES

# County of Inyo Board of Supervisors

## June 17, 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, June 17, 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 Bilyeu provided the Invocation, and Supervisor Cash led the Pledge of Allegiance.

- Public Comment      The Chairperson announced the public comment period and there was no one from the public wishing to address the Board.
- County Dept.  
Reports              The Chairperson announced the County Department Report period. The Agricultural Commissioner, Mr. George Milovich, updated the Board on his attendance at the meeting held in Mono County on the new Wilderness legislation, talking about some of the impacts this legislation will have on local agriculture.
- Integ. Waste/  
Pahrump Valley  
Disposal Tecopa  
Services              Moved by Supervisor Bilyeu and seconded by Supervisor Cash to approve the Contract between the County of Inyo and Pahrump Valley Disposal for waste hauling services in the community of Tecopa in an amount not to exceed \$47,221.64 for the period of July 1, 2008 through June 30, 2009, contingent upon the Board's adoption of a FY 2008-09 Budget; and authorize the Chairperson to sign. Motion carried unanimously.
- Integ. Waste/  
Pahrump Valley  
Disposal Furnace  
Creek Service        Moved by Supervisor Bilyeu and seconded by Supervisor Cash to approve the Contract between the County of Inyo and Pahrump Valley Disposal, Inc., for waste hauling services in the community of Furnace Creek in an amount not to exceed \$44,478.01 for the period of July 1, 2008 through June 30, 2009, contingent upon the Board's adoption of a FY 2008-09 Budget; and authorize the Chairperson to sign. Motion carried unanimously.
- Integ. Waste/  
Pahrump Valley  
Disposal Shoshone  
& Charleston View  
Service                Moved by Supervisor Bilyeu and seconded by Supervisor Cash to approve the Contract between the County of Inyo and Pahrump Valley Disposal for waste hauling services in the communities of Shoshone and Charleston View in an amount not to exceed \$50,260.49 for the period of July 1, 2008 through June 30, 2009, contingent upon the Board's adoption of a FY 2008-09 Budget; and authorize the Chairperson to sign. Motion carried unanimously.
- Integ. Waste/  
Pahrump Valley  
Disposal D.V.  
Junction Service     Moved by Supervisor Bilyeu and seconded by Supervisor Cash to approve the Contract between the County of Inyo and Pahrump Valley Disposal for waste hauling services in the community of Death Valley Junction in an amount not to exceed \$1,225.21 for the period of July 1, 2008 through June 30, 2009, contingent upon the Board's adoption of a FY 2008-09 Budget; and authorize the Chairperson to sign. Motion carried unanimously.
- Integ. Waste/  
Bishop Waste B.P.  
Transfer Service     Moved by Supervisor Bilyeu and seconded by Supervisor Cash to approve the Contract between the County of Inyo and Bishop Waste for solid waste hauling services from the Big Pine Transfer Station to the Bishop Sunland landfill in an amount not to exceed \$25,000 for the period of July 1, 2008 through June 30, 2009, contingent upon the Board's adoption of a FY 2008-09 Budget; and authorize the Chairperson to sign. Motion carried unanimously.
- Integ. Waste/  
Preferred Septic  
Darwin Service        Moved by Supervisor Bilyeu and seconded by Supervisor Cash to approve the Contract between the County of Inyo and Preferred Septic & Disposal for solid waste hauling services from the community of Darwin to the Lone Pine landfill in an amount not to exceed \$9,400 for the period of July 1, 2008 through June 30, 2009, contingent upon the Board's adoption of a FY 2008-09 Budget; and authorize the Chairperson to sign. Motion carried unanimously.

Integ. Waste/ Bishop Waste B.P. Transfer Chemical Toilet Service	Moved by Supervisor Bilyeu and seconded by Supervisor Cash to approve the Contract between the County of Inyo and Bishop Waste for chemical toilet services at the Big Pine Transfer Station and the Bishop-Sunland, Independence and Lone Pine landfills in an amount not to exceed \$7,000 for the period of July 1, 2008 through June 30, 2009, contingent upon the Board's adoption of a FY 2008-09 Budget; and authorize the Chairperson to sign. Motion carried unanimously.
Integ. Waste/ Ridgecrest Sanitation Homewood Canyon Service	Moved by Supervisor Bilyeu and seconded by Supervisor Cash to approve the Agreement between the County of Inyo and Ridgecrest Sanitation for the transport of solid waste from Homewood Canyon Transfer Station to the Ridgecrest landfill in Kern County, in an amount not to exceed \$10,500 for the period of July 1, 2008 through June 30, 2009, contingent upon the Board's adoption of a FY 2008-09 Budget; and authorize the Chairperson to sign. Motion carried unanimously.
Integ. Waste/ Preferred Septic Olancha Keeler Transfer Station Service	Moved by Supervisor Bilyeu and seconded by Supervisor Cash to approve the Contract between the County of Inyo and Preferred Septic & Disposal for solid waste hauling services from the Olancha and Keeler Transfer Stations to the Lone Pine landfill in an amount not to exceed \$23,487 for the period of July 1, 2008 through June 30, 2009, contingent upon the Board's adoption of a FY 2008-09 Budget; and authorize the Chairperson to sign. Motion carried unanimously.
Parks/Bishop Waste Parks & Campground Service	Moved by Supervisor Bilyeu and seconded by Supervisor Cash to approve the Contract between the County of Inyo and Bishop Waste for waste disposal hauling services at County parks and campgrounds located north of Independence, in an amount not to exceed \$11,696 for the period of July 1, 2008 through June 30, 2009, contingent upon the Board's adoption of a FY 2008-09 Budget; and authorize the Chairperson to sign. Motion carried unanimously.
Parks/Preferred Septic Parks and Campground Services	Moved by Supervisor Bilyeu and seconded by Supervisor Cash to approve the Contract between the County of Inyo and Preferred Septic & Disposal for waste disposal hauling services at County parks and campgrounds located in the south County area, in an amount not to exceed \$10,556 for the period of July 1, 2008 through June 30, 2009, contingent upon the Board's adoption of a FY 2008-09 Budget; and authorize the Chairperson to sign. Motion carried unanimously.
Clerk-Recorder/ Statement of Votes Cast 6-3-08 Primary	Moved by Supervisor Bilyeu and seconded by Supervisor Cash to issue an order accepting the Statement of All Votes Cast in the Primary Election held June 3, 2008 and declare elected those offices under their jurisdiction for this election, and declare passed or failed those measures under their jurisdiction for this election, according to the number of votes for each as shown on the Statement of All Votes Cast. Motion carried unanimously.
Coroner/Deputy, Toxicology and Autopsy Services Contracts	Moved by Supervisor Bilyeu and seconded by Supervisor Cash to approve the Contracts between the County of Inyo and the following for the services noted, in the amounts not to exceed as specified for the period of July 1, 2008 through June 30, 2009, contingent upon the Board's adoption of a FY 2008-09 Budget, and authorize the Chairperson to sign: A) Medox Laboratories, Inc. for toxicology services, \$3,600; B) Milton R. Jones, M.D., for autopsy services, \$32,950; C) William D. Stinnett for deputy coroner services, \$13,300; D) Scott Stell for deputy coroner services, \$5,400; E) Jeffrey Mullenhour for deputy coroner services, \$12,200; and F) Todd Reder for deputy coroner services, \$12,200. Motion carried unanimously.
HHS-Behavioral Hlth. Serv./Braswell Ent. Contract	Moved by Supervisor Bilyeu and seconded by Supervisor Cash to ratify the Contract between the County of Inyo and Braswell Enterprises, dba Sierra Vista for mental health placement services for the period of April 1, 2008 through June 30, 2008, in an amount not to exceed \$19,000; and authorize the Chairperson to sign. Motion carried unanimously.
HHS-Hlth. Serv./ Leja Contract	Moved by Supervisor Bilyeu and seconded by Supervisor Cash to approve the Contract between the County of Inyo and Catherine Leja, M.D. for physician services for the period of July 1, 2008 through June 30, 2009, in an amount not to exceed \$18,000, contingent upon the Board's adoption of a FY 2008-09 Budget; and authorize the Chairperson to sign. Motion carried unanimously.
HHS-Mental Hlth. Serv./MOU Office of Ed Contract	Moved by Supervisor Bilyeu and seconded by Supervisor Cash to approve the Memorandum of Understanding between the County of Inyo and the Inyo County Office of Education for the receipt of funds to provide mental health services to emotionally disabled children for fiscal year 2008-09; and authorize the Director of Health and Human Services, Ms. Jean Dickinson, to sign. Motion carried unanimously.

HHS-Mental Hlth. Serv./I.D.E.A. Contract  
 Moved by Supervisor Bilyeu and seconded by Supervisor Cash to A) declare I.D.E.A. Consulting a sole-source provider of certain mental health consultation services for FY 2008-09 and B) approve a contract between the County of Inyo and I.D.E.A. Consulting, for mental health consulting services, for the period of July 1, 2008 through June 30, 2009, in an amount not to exceed \$20,000, contingent upon the Board's adoption of a FY 2008-09 Budget; and authorize the Chairperson to sign. Motion carried unanimously.

HHS-Misc./UC Davis Training Contract  
 Moved by Supervisor Bilyeu and seconded by Supervisor Cash to approve a Contract between the County of Inyo and the Regents of the University of California on behalf of its Davis Campus University Extension, for training services for the period of July 1, 2008 through June 30, 2009, in an amount not to exceed \$44,160, contingent upon the Board's adoption of a FY 2008-09 Budget; and authorize the Chairperson to sign. Motion carried unanimously.

HHS-Mental Hlth. Serv./Ernst Consulting Contract  
 Moved by Supervisor Bilyeu and seconded by Supervisor Cash to A) declare Gary Ernst a sole-source provider of certain mental health consultation services for FY 2008-09 and B) approve a contract between the County of Inyo and Gary Ernest for fiscal consulting services for the period of July 1, 2008 through June 30, 2009, in an amount not to exceed \$20,000, contingent upon the Board's adoption of a FY 2008-09 Budget; and authorize the Chairperson to sign. Motion carried unanimously.

HHS-Behavioral Hlth. Serv./Braswell Ent. Contract  
 Moved by Supervisor Bilyeu and seconded by Supervisor Cash to approve the Contract between the County of Inyo and Braswell Enterprises, dba Sierra Vista for mental health placement services for the period of July 1, 2008 through June 30, 2009, in an amount not to exceed \$30,000, contingent upon the Board's adoption of a FY 2008-09 Budget; and authorize the Chairperson to sign. Motion carried unanimously.

HHS/Behavioral Hlth. Serv./Vista Pacifica Contract  
 Moved by Supervisor Bilyeu and seconded by Supervisor Cash to approve the Contract between the County of Inyo and Vista Pacifica Center for mental health placement services for the period of July 1, 2008 through June 30, 2009, in an amount not to exceed \$30,000, contingent upon the Board's adoption of a FY 2008-09 Budget; and authorize the Chairperson to sign. Motion carried unanimously.

Planning-Yucca Mt./Hydrodynamics Group Contract  
 Moved by Supervisor Bilyeu and seconded by Supervisor Cash to A) declare Hydrodynamics Groups, L.L.C a sole-source provider of Yucca Mountain Oversight services; and B) approve the Contract between the County of Inyo and Hydrodynamics Groups, L.L.C., for the period of July 1, 2008 through June 30, 2009, in an amount not to exceed \$250,000, contingent upon the Board's adoption of a FY 2008-09 Budget; and authorize the Chairperson to sign. Motion carried unanimously.

Planning/Nye County MOU re: Well Activities  
 Moved by Supervisor Bilyeu and seconded by Supervisor Cash to approve the Memorandum of Understanding between the County of Inyo and Nye County, Nevada for well completion activities at Nye County well NC-EWDP-2BD, contingent upon the U.S. Department of Energy's approval of Inyo County's Revision 2 to the Cooperative Agreement and authorize the Chairperson to sign. Motion carried unanimously.

Resol. #2008-19/ Agency-State Master Agreement  
 On a motion by Supervisor Bilyeu and a second by Supervisor Cash, Resolution No. 2008-19 was adopted, approving Administering Agency-State Master Agreement No. 90-594R for federal aid projects; authorizing the Chairperson to sign the Agreement and authorizing the Public Works Director to sign program supplement agreements to the Master Agreement: motion unanimously passed and adopted.

P.W./FAA L.P. Term. Bldg. & Fire Supp. Grant  
 Moved by Supervisor Bilyeu and seconded by Supervisor Cash to approve the Grant Agreement between the County of Inyo and the Federal Aviation Administration (FAA) for the Approval of Lone Pine Airport Terminal Building and Fire Suppression System Design Grant, contingent upon the Board's adoption of a FY 2008-09 Budget; and authorize the Public Works Director to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.

- P.W./FAA E.S. Regional Airport Grant Moved by Supervisor Bilyeu and seconded by Supervisor Cash to approve the Grant Agreement between the County of Inyo and the Federal Aviation Administration (FAA) for the Approval of Eastern Sierra Regional Airport Security Fencing, Electrical Vault Upgrade, and Taxiway and Apron Design Grant, contingent upon the Board's adoption of a FY 2008-09 Budget; and authorize the Public Works Director to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
- P.W./Eastern Sierra Engineering Contract Amendment Moved by Supervisor Bilyeu and seconded by Supervisor Cash to approve Amendment No. 4 to the Contract between the County of Inyo and Eastern Sierra Engineering for engineering services, increasing the contract amount by \$16,100 to the amount of \$335,000 for material testing services for the Mill Creek Road portion of the Mill Creek Road and Mustang Mesa Subdivision Improvement Project, contingent upon the Board's adoption of a FY 2008-09 Budget; and authorize the Public Works Director 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 projects and activities.
- Rd. Dept./Tree Removal The Acting Public Works Director reviewed the staff report and recommendations concerning the removal of two trees in front of a residence in Lone Pine. Mr. Wilson explained that the trees have been inspected, appear to be healthy and did not meet the requirements for removal per the County's tree removal policy. Moved by Supervisor Cervantes and seconded by Supervisor Bilyeu to deny the request to have Road Department personnel remove two trees in front of the residence at 281 S. Lakeview St., in Lone Pine, California. Motion carried unanimously.
- Resol. #2008-20/ Premium Pay for Ag. Commissioner & Deputy Ag. Commissioner The Agricultural Commissioner, Mr. George Milovich, briefly reviewed the history of Agricultural Commissioners throughout the State and cited examples of duties and responsibilities required by the State in order to be an Agricultural Commissioner. Supervisor Cash explained that her vote was not a reflection of her opinion of the Agricultural Commissioner's performance, but is that she does not agree with the premium pay process being used for this purpose. On a motion by Supervisor Brown and a second by Supervisor Bilyeu, Resolution No. 2008-20, entitled "A Resolution of the Board of Supervisors, County of Inyo, State of California, Amending Resolution No. 2007-22 Providing Premium Pay to County Officers and Employees for certain required Licenses and Certifications" to provide premium pay for the licenses required to be the County Agricultural Commissioner and County Sealer of Weights and Measures and the Deputy County Agricultural Commissioner and Deputy County Sealer of Weights and Measures, effective July 1, 2008, was approved: motion passed and adopted on a four-to-one vote, with Supervisors Arcularius, Brown, Bilyeu and Cervantes voting yes, and with Supervisor Cash voting no.
- BofS/Letters re: Wild Heritage Act Supervisor Arcularius presented, and the Board reviewed the letters to Senator Boxer and Congressman McKeon regarding the Eastern Sierra and Northern San Gabriel Wild Heritage Act, appreciatively noting that the items discussed during last week's meeting had been included in the letters. Supervisor Arcularius noted that copies of the letters would be sent to Senator Feinstein. Moved by Supervisor Bilyeu and seconded by Supervisor Brown to approve a letter to Senators Barbara Boxer and Congressman Buck McKeon, addressing Inyo County's concerns with the Eastern Sierra and Northern San Gabriel Wild Heritage Act; and authorize the Chairperson to sign, and further direct that copies of the letters be sent to Senator Feinstein. Motion carried unanimously.
- BoS/Letter re: Rural Sheriff's Funding The County Administrator presented the proposed letter to the State Senate and Assembly Budget Sub-Committees opposing elimination and/or reduction of the Small/Rural Sheriff's Local Assistance Program funds. He briefly reviewed the legislation, noting how the funds were budgeted last year and the impact to programs if the funding is eliminated. Sheriff Lutze supported sending the letter and noted that the State Sheriff's Association is also opposing reductions and cuts in this funding. Supervisor Bilyeu recommended that a copy of the letter be provided to PORAC in order to garner their support for continued funding. Moved by Supervisor Bilyeu and seconded by Supervisor Brown to approve the letter to the State Senate and Assembly Budget Sub-Committees, and the County's State representatives supporting Small/Rural Sheriff's Local Assistance Program funding be preserved in the FY 2008-2009 State Budget, and direct that copies of the letter be sent to the State Sheriff's Association and PORAC. Motion carried unanimously.
- 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.

Parks/Bishop Waste Vault Pumping Services	The Deputy County Administrator explained that there were two bids for vault pumping services and the high bidder was contesting the award of the contract to the low bidder on the grounds that the low bidder is not a responsible bidder. Supervisor Brown declared a conflict and left the meeting. Mr. Dale Comontofski of Preferred Septic, the high bidder, provided examples of situations, which he felt showed why Bishop Waste, the low bidder, was not a responsible bidder, i.e., pumping the vault from the front instead of the back trap as recommended by the manufacturer and leaving off the vault sealing ring. The Deputy County Administrator explained that he had spoken with the low bidder and they had assured him that the problems noted previously have been corrected. Ms. Michelle Erwin of Bishop Waste, provided additional information regarding the incidents cited by Mr. Comontofski. The Board, Staff and representatives of the competing bidders continued to discuss the problems noted by the high bidder. Mr. Hamilton confirmed that the County could require the vaults be pumped according to the manufacturer's recommended method and that the Contract could be cancelled within thirty days if a problem occurs. Moved by Supervisor Bilyeu and seconded by Supervisor Cervantes to approve the Contract between the County of Inyo and Bishop Waste for vault pumping services at County parks and campgrounds, in an amount not to exceed \$10,190 for the period of July 1, 2008 through June 30, 2009, contingent upon the Board's adoption of a FY 2008-09 Budget; and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Brown absent. At the conclusion of this item, Supervisor Brown rejoined the meeting
CAO-Budget/08-09 Preliminary Budget	The County Administrator reviewed the proposed Preliminary Budget for FY 2008-09, noting that the Inyo Complex Fire Budget has been included, as well as discussing with the Board the \$60,000 budget for the ADA fishing deck at Diaz Lake. Mr. Hamilton, Deputy County Administrator, explained that the \$60,000 was included as a placeholder should the Board want to pursue the project before final budget approval. The Board noted that DWP has offered to donate the material for the deck and at the present time Staff is looking into how volunteers from the Lone Pine and Bishop Lion's Clubs could build the deck. The Board specifically noted that by their approval of the preliminary budget with the inclusion of the \$60,000 for the deck, it should not be construed that they are supporting or authorizing the use of County funds for this project. Moved by Supervisor Cash and seconded by Supervisor Cervantes to adopt the Fiscal Year 2007-08 Board approved Budget as the Preliminary Budget for Fiscal Year 2008-2009, and approve the fixed assets as recommended by Staff. Motion carried unanimously.
BofS/Minute Approval	Moved by Supervisor Bilyeu and seconded by Supervisor Cervantes to approve the minutes of the June 3, 2008 Board of Supervisors Meeting. Motion carried unanimously.
Public Comment	The Chairperson announced the second public comment period and there was no one from the public wishing to address the Board.
Recess/Reconvene	The Chairperson recessed the regular meeting at 11:00 a.m., to reconvene in a workshop, at 11:05 a.m., with all Board Members present.
Integ. Waste/ Workshop Solid Waste Program	The Board met in a workshop with the County's Integrated Waste Management staff and a representative of Minshew Engineering, the Program consultant, on the Solid Waste Program's budget. The Chairperson recessed the workshop at 12:05 p.m.
Integ. Waste/ Minshew Contract	The Board and Staff discussed the proposed contract between the County of Inyo and Minshew Engineering for waste management services, including (a) the reasons why the contract is being increased; (b) that these increases are for one-time projects being required by the State; (c) whether the work could or should be performed in house; and (d) the need to have the Auditor-Controller sign off on the Agenda Request Form prior to the Board's consideration of this item. Moved by Supervisor Bilyeu and seconded by Supervisor Cash to direct that the Contract between the County of Inyo and Minshew Engineering for integrated waste management consultant services for the period of July 1, 2008 through June 30, 2009, in an amount not to exceed \$310,400 be placed on next week's agenda under Consent, with the necessary approvals, for the Board's consideration. Motion carried unanimously.
Recess/Reconvene	The Chairperson recessed the regular meeting at 12:15 p.m., to reconvene in open session at 1:15 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 California Emerging Technology Meeting, a Wilderness Meeting with Kern County Supervisor McQuiston and representatives of Senator Feinstein’s office, a BLM awards dinner, an ESCOG Meeting, and ESTA Meeting, an Arts Council Meeting, and an update on the California State Rodeo Finals. The County Administrator notified the Board that the County has received word from the State Controller that our User Tax has been reinstated.
- Closed Session The Chairperson recessed open session at 1:35 p.m., to convene in closed session, with all Board Members present, to discuss and take action as appropriate on Agenda Items No. 41. **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. 42. **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. 43. **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. 44. **REAL PROPERTY NEGOTIATIONS [Conference With Real Property Negotiators Pursuant To Government Code §54956.8]** – Property –Eastern Sierra Regional Airport (Bishop); Negotiating Parties – City of Los Angeles Department of Water and Power and County of Inyo - Negotiations – Price and Terms; No. 45. **REAL PROPERTY NEGOTIATIONS [Conference With Real Property Negotiators Pursuant To Government Code §54956.8]** – Property – S.E. 1.07 acres of APN 02-133-02-00, 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; and No. 46. **REAL PROPERTY NEGOTIATIONS [Conference With Real Property Negotiators Pursuant To Government Code §54956.8]** – Property – 301 West Line Street, Bishop, California; Negotiating Parties – City of Bishop, County Administrator and Director of Public Works - Negotiations – Terms and Conditions of Potential Lease.
- Report on Closed Session The Chairperson recessed closed session at 3:35 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 3:35 p.m., to 9:00 a.m., Tuesday June 24, 2008, in the Board of Supervisors Room, at the County Administrative Center, in Independence.

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*Chairperson, Inyo County Board of Supervisors*

*Attest: KEVIN D. CARUNCHIO  
Clerk of the Board*

*by: \_\_\_\_\_  
Patricia Gunsolley, Assistant*