

MINUTES

County of Inyo Board of Supervisors

November 25, 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, November 25, 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 Brown led the Pledge of Allegiance.

- Public Comment** The Chairperson announced the public comment period. Mr. Cedrek Zimitis of Caltrans updated the Board on the Olancha/Cartago 4-lane project. He told the Board that a public information meeting on the project alternatives is scheduled for December 3, 2008, from 4:00 p.m. to 7:00 p.m. at the Olancha School in Olancha. Mr. Rich White of the Independence Chamber of Commerce, addressed the Board to report on this year's Cal Expo Exhibit and to introduce next year's Fair theme, which is "wild, weird and wacky." Mr. White displayed the County's silver award plaque for this year's exhibit and told the Board that he expects an item to be brought back to the Board in the near future for a decision on the County's participation in next year's State Fair. Supervisor Brown noted that her husband has been ill for the past several weeks and thanked all their family, friends and neighbors for their kindness and for keeping her husband in their thoughts and prayers. She reported that he is home, feeling well and on the road to recovery.
- County Dept. Reports** The Chairperson announced the County Department Report period. Dr. Bob Harrington, Water Director, updated the Board on the development of a Regional Water Plan. He said that there has been a shift at the State level on how grants will be awarded in the future. Supervisor Arcularius said that she has asked the County Administrator and Dr. Harrington to review County projects to determine if there are any which may be ready to be presented in order to benefit from the change in DWR's consideration of application. Ms. Jean Turner Dickinson, Director of Health and Human Services, updated the Board on impending State impacts on health realignment funds. She asked the Board Members attending the upcoming CSAC Conference to call her if they need any further information based on what is learned at the Conference. Ms. Dickinson explained that the smaller counties have been shielded from many of the program cuts because the larger counties were willing to allow them to be excluded. She said she did not believe this trend will continue in the future.
- Museum/Good Ole Days Project Grant** Moved by Supervisor Cash and seconded by Supervisor Brown to authorize a payment to the Bishop Museum and Historical Society in the amount of \$700, as the last payment of the Community Project Sponsorship Grant for its Good Ole Days project. Motion carried unanimously.
- Ag. Comm./SCI Contract Amendment FY 2008 Assessment** Moved by Supervisor Cash and seconded by Supervisor Brown to approve Amendment B to the Contract between Inyo County and SCI Consulting Group (formerly Shilts Consultants, Inc.) to amend the scope of work to include project administration (assessment fee calculations) for the FY 2008-2009 assessment for the Mosquito Abatement Assessment of 1998 and Mosquito Control and Disease Prevention Assessment of 2005, at the rate of \$6,000 for each Assessment, for a total Contract amount not to exceed \$93,050 for the period of July 1, 2004 through December 31, 2008; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
- Clerk/Order Accepting Votes Cast 11-4-08 Election** Moved by Supervisor Cash and seconded by Supervisor Brown to issue the order accepting the Statement of All Votes Cast at the General Election held November 4, 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.
- County Counsel/Conflict Codes** Moved by Supervisor Cash and seconded by Supervisor Brown to receive and approve the 2008 Conflict of Interest Code Biennial Report from the Tecopa Cemetery District. Motion carried unanimously.

HHS-Hlth. Serv./ WIC Contract	Moved by Supervisor Cash and seconded by Supervisor Brown to ratify and approve the Contract between the County of Inyo and the State of California for the California Women, Infants, and Children (WIC) program, in the amount of \$1,251,000 for the period of October 1, 2008 through September 30, 2011, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign. Motion carried unanimously.
HHS-HIV/State AIDS Drug Assist. Program	Moved by Supervisor Cash and seconded by Supervisor Brown to ratify and approve the Agreement between the County of Inyo and the State of California for the administration of the AIDS Drug Assistance Program (ADAP) in the amount of \$1,000 for the period of July 1, 2008 through June 30, 2009, and authorize the Director of Health and Human Services to sign. Motion carried unanimously.
HHS-Sen. Serv./ Change of Authorized Strength for IMAAA Services	Moved by Supervisor Cash and seconded by Supervisor Brown to A) approve a reduction in the authorized strength in the County Administrator's Office and an increase in the authorized strength in the Health and Human Services Department as recommended by Staff to reflect the transfer of contractual obligations between the County of Inyo and the Inyo Mono Area Agency on Aging for direct and administrative services from the County Administrator's Department to the Health and Human Services Department and B) approve a change in authorized strength for Health and Human Services as follows: delete one full-time Executive Director position at Range 80 (\$5,085 - \$6,185); delete one part-time Office Manager position at Range 54 (\$14.78 - \$17.97); add one full-time Social Worker Supervisor II position at Range 74 (\$4,415 - \$5,365) and add one full-time Health and Human Specialist position at Range 53 (\$2,698 - \$3,282). Motion carried unanimously.
P.W./Statham Hall Exhaust Fire Suppression Upgrade	Moved by Supervisor Cash and seconded by Supervisor Brown to award the bid to and approve the Contract with FireMaster for the UL-300 upgrade to the exhaust fire suppression systems in Statham Hall, the Inyo County Jail, the Bishop Senior facility and the restaurant at the Eastern Sierra Regional Airport in an amount not to exceed \$12,823.11, including tax and installation; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
P.W./Dept. Activities Update	The Acting Public Works Director, Mr. Doug Wilson, updated the Board on the Department's activities during the preceding week, including notification that the State Annual Road Audit has been completed and the State Auditor said that this year's audit was significantly better than previous years. Mr. Wilson went on to recognize and commend the Staff who were responsible for accumulating the information needed for this year's Road audit. Mr. Wilson also updated the Board on the Independence Tank Replacement Project.
P.W./Award of Contract for Demo of Former Big Pine Care Facility	<p>The Acting Public Works Director provided additional information and reviewed Staff's recommendation regarding the award of the contract to demo the former Big Pine Care Facility. He provided the Board with a description and photographs of the ancillary buildings on site, explaining that a couple of the buildings are being used to provide services to the leaseholder and the animal shelter. He said that the other structures could be included in the demo project if that should be the desire of the Board. Supervisors Arcularius and Cash indicated they did not support demolishing the old residence on the property because of its historic value. Mr. Wilson and the Board discussed the staff recommendation at length, including how change orders are authorized to provide for additional work. Supervisor Brown questioned the disparity between the low bidder and the other bids received, wondering whether the Contractor would be able to complete the work within the quoted amount. The Chairperson asked that prior to making a motion on the contract for the demo work that the Board decide on any other buildings which might need to be included in the demolition project.</p> <p>Moved by Supervisor Bilyeu and seconded by Supervisor Cash to direct that a Change Order be issued to take down all unused out buildings on the property. Motion carried on a three-to-two vote with Supervisors Cash, Bilyeu and Cervantes voting yes, and with Supervisors Arcularius and Brown voting no.</p> <p>Moved by Supervisor Bilyeu and seconded by Supervisor Cervantes to award the bid and approve the Contract for the demolition of the former Big Pine Care facility to Doug Claire Construction, in the amount of \$167,185 and authorize the Chairperson to sign the Contract, contingent upon the appropriate signatures being obtained; and authorize the Public Works Director to sign all other contract documents, including change orders, to the extent permitted pursuant to Section 20141 of the Public Contract Code and other applicable law. Motion carried on a four-to-one vote with Supervisors Arcularius, Cash, Bilyeu and Cervantes voting yes, and with Supervisor Brown voting no.</p>

Moved by Supervisor Bilyeu and seconded by Supervisor Brown to award the bid and approve the Contract with HMS, Inc., for personal services to perform independent asbestos abatement monitoring at the former Big Pine Care facility in the amount of \$24,790.70; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.

Moved by Supervisor Bilyeu and seconded by Supervisor Cervantes to amend the FY 2008-09 County Budget as follows: increase revenue and appropriations in Deferred Maintenance Budget Unit No. 011501, Operating Transfer In (*Revenue Code #4998*) by \$192,575 and Professional Services (*Object Code #5265*) by \$192,575 respectively, and appropriations in Geothermal Royalties Budget Unit No. 010406, Operating Transfers Out (*Object Code #5801*) by \$192,575. Motion carried unanimously.

Museum/MOU for Agents House Mr. Max Cox of the Bishop Museum and Historical Society addressed the Board to confirm that the Society has accepted the MOU. Moved by Supervisor Cash and seconded by Supervisor Brown to approve the Memorandum of Understanding (MOU) between the County of Inyo and the Bishop Museum and Historical Society to allow the Historical Society to conduct repairs on the Agent's House under the terms and conditions outlined in the MOU which include waiving County fees otherwise payable for any CEQA documentation that results in a CEQA Categorical Exemption or a CEQA Negative Declaration, or other County approvals of the project; and authorize the Chairperson to sign. Motion carried unanimously.

Recess/Reconvene The Chairperson recessed the Regular Board Meeting at 10:30 a.m., to convene as the Board of Equalization. (See separate minutes.) The Chairperson reconvened the regular meeting of the Board of Supervisors at 10:50 a.m., with all Board Members present.

CAO-Adv. Co. Resources/Film Commiss. Update Mr. Chris Langley, Inyo County Film Commissioner, updated the Board on his activities to promote the film industry's filming in Inyo County. He detailed some of the recent productions and discussed briefly how today's economy could impact the filming industry statewide as well as in Inyo County.

Ord. 1139 Amending Inyo County Code 16.32.010, Chapters 16.48 and 16.52 and Creating New Chapter 16.30. On a motion by Supervisor Cash and a second by Supervisor Cervantes Ordinance 1139, entitled "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Amending Inyo County Code §16.32.010, Chapters 16.48 and 16.52 and Creating New Chapter 16.30," which amends portions of Title 16 (Subdivision Ordinance) by amending Section 16.32.10 to bring it into compliance with the Subdivision Map Act, amending the Certificate of Compliance Section of the Code (Chapter 16.48) to bring it into conformity with the Subdivision Map Act, amending Chapter 16.52 (Parcel Merger) to include property line adjustments and changes the approval process to an administrative approval, and creates a Parcel Map Waiver (New Chapter 16.23) process for the creation of parcels of forty acres or greater in size, was approved; motion unanimously passed and adopted.

Road Dept./N. Oak Creek Culvert Replacement Supervisor Brown declared a conflict, because her husband works for the company, which provided the culvert for the Culvert Replacement Project on North Oak Creek and left the meeting. The Acting Public Works Director, Mr. Doug Wilson, reported that the Culvert Replacement Project on North Oak Creek Road is on target for completion in the next week. At the conclusion of the report, Supervisor Brown rejoined the meeting.

Emergency Serv/Inyo Complex Oak Creek Mud Flow Continued The County Administrator recommended that this local emergency be continued until the diversion is removed and water is returned to the natural channel of Oak Creek. Moved by Supervisor Bilyeu and seconded by Supervisor Cash to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.

BofS/Minute Approval Moved by Supervisor Cervantes and seconded by Supervisor Cash to approve the minutes of the November 4, 2008 Board of Supervisors Meeting. Motion carried unanimously, on a four-to-zero vote, with Supervisor Arcularius, Cash, Bilyeu and Cervantes voting yes, and with Supervisor Brown abstaining.

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

Board Members and Staff Reports	The Board Members reported on their activities during the preceding week, including an information meeting held by Caltrans on the Olancho Expressway Project, the Alternative Livestock Program workshop, the dedication of the Diaz Lake Handicap Fishing Deck, a Great Basin Air Pollution Control Board Meeting, the Public Works Director interviews, a First Five Meeting and a request that Board Member schedules be coordinated to facilitate the Board holding a public meeting on the California Wilderness Coalition's wilderness proposal to Senator Feinstein.
Veterans Service Office Presentation	Representatives of the Veteran's Service office made a presentation to the Board on the programs and services offered to our local veterans.
Closed Session	The Chairperson recessed open session at 11:45 p.m., to convene in closed session, with all Board Members present to discuss and take action as appropriate on Agenda Items No. 22. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(a)] – Inyo Citizens for Better Planning v. Inyo County; Inyo County Board of Supervisors et al., Court of Appeal, 4 th District Division Two, Riverside Court Case No. E046646 (Inyo County Superior Court Case No. SICVPT05-38164); No. 23. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(a)] - Sierra Club & Owens Valley Committee v. City of Los Angeles, Los Angeles Department of Water and Power, et al, Inyo County Superior Court Case No. SICVCV 08-46888 (“LORP #4”); No. 24. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(a)] - Sierra Club v. City of Los Angeles, Los Angeles Department of Water and Power, Inyo County Superior Court Case No. CVPT-05-347969 (“LORP #3”); No. 25. 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. 26. CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6] Instructions to Negotiators re: wages, salaries and benefits - Employee Organization – Elected Officials Assistant Association (EOAA); Negotiators - CAO Kevin Carunchio, and Labor Relations Administrator Sue Dishion; No. 27. 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. 28. CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6] Instructions to Negotiators re: wages, salaries and benefits - Employee Organization – Inyo County Probation Peace Officers Association (ICPPOA); Negotiators - CAO Kevin Carunchio, and Labor Relations Administrator Sue Dishion; No. 29. 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. 30. PERSONNEL [Pursuant to Government Code §54957] - Public Employee Appointment - Title – Director of Public Works; No. 31. CONFERENCE WITH LABOR NEGOTIATOR (Pursuant to Government Code §54957.6) – Instructions to Negotiators re: wages, salaries and benefits – Title: Director of Public Works – Negotiator – as designated by the Board of Supervisors; No. 32. PERSONNEL [Pursuant to Government Code §54957] - Public Employee Performance Evaluation - Title – Planning Director; and No. 33. CONFERENCE WITH LABOR NEGOTIATOR (Pursuant to Government Code §54957.6) – Instructions to Negotiators re: wages, salaries and benefits – Title: Planning Director – Negotiator – as designated by the Board of Supervisors.
Recess/Reconvene	The Chairperson recessed closed session at 12:10 p.m., to reconvene at 12:45 p.m., in closed session, with all Board Members present to continue discussions on previously identified closed session items.
Report on Closed Session	The Chairperson recessed closed session at 4:35 p.m., to receive a report on closed session. County Counsel reported that with regard to Agenda Item No. 22. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(a)] – Inyo Citizens for Better Planning v. Inyo County; Inyo County Board of Supervisors et al., Court of Appeal, 4 th District Division Two, Riverside Court Case No. E046646 (Inyo County Superior Court Case No. SICVPT05-38164), the Board in a unanimous vote, with Supervisors Arcularius, Cash, Brown, Bilyeu and Cervantes voting yes, authorized and directed the Office of County Counsel to defend the County on an appeal of this matter.

County Counsel went on to report that with regard to Agenda Item No. 32. **PERSONNEL [Pursuant to Government Code §54957]** - Public Employee Performance Evaluation - Title – Planning Director; and No. 33. **CONFERENCE WITH LABOR NEGOTIATOR (Pursuant to Government Code §54957.6)** – Instructions to Negotiators re: wages, salaries and benefits – Title: Planning Director – Negotiator – as designated by the Board of Supervisors, the Board of Supervisors by a unanimous vote, with Supervisors Arcularius, Cash, Brown, Bilyeu and Cervantes voting yes, terminated the Contract with Inyo County Planning Director, Pat Cecil, in accordance with Section 11 of the Contract which provides that the Contract may be terminated by the County without cause, at will, for any reason by giving 180 days of notice of the intent to terminate.

Adjournment

The Chairperson adjourned the regular meeting at 4:40 p.m., to 9:00 a.m., December 9, 2008, 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