

MINUTES

County of Inyo Board of Supervisors

December 9, 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, December 9, 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 Cervantes provided the Invocation, and Supervisor Bilyeu led the Pledge of Allegiance.

- Public Comment The Chairperson announced the public comment period. Ms. Nancy Masters of the Independence Civic Club invited the Board to attend the 4th Annual Independence Fruitcake Festival this Saturday evening at the American Legion Hall.
- County Department Reports The Chairperson announced that today's meeting was being adjourned in memory of Rick Dean who had passed away last week and was the son of former Third District Inyo County Supervisor Sam Dean. Mr. Jon Klusmire, Museum Director, notified the Board that the 2009 Museum Calendars are available for sale. Mr. Klusmire reported that the sponsors for this year's calendar doubled from last year. He also informed the Board that the Museum has a new Exhibit "Ways We Camp" and invited them to come over and view the Exhibit. Dr. Bob Harrington, Inyo County Water Director, advised the Board of an upcoming Water Commission Meeting.
- Library/Holiday Closures Moved by Supervisor Cash and seconded by Supervisor Cervantes to authorize all library branches be closed on the following Saturdays because of 3-day holiday weekends in 2009: February 14, May 23, July 4, September 5, November 28 and December 26. Motion carried unanimously.
- HHS-EMS/Intent Not to Apply for Appropriations Moved by Supervisor Cash and seconded by Supervisor Cervantes to approve the Fiscal Year 2008-09 "Declaration of Intent Not to Apply" for Emergency Medical Services Appropriations; and authorize the Chairperson to sign. Motion carried unanimously.
- HHS-Senior Serv./ Handicap Mini Van P. O. Moved by Supervisor Cash and seconded by Supervisor Cervantes to authorize Motor Pool to purchase, through the State of California Purchasing Program, one Cal Trans Mini Van Handicapped Type 4 vehicle, in the amount of \$39,356.59; and authorize the Motor Pool Manager to sign all purchase documents. Motion carried unanimously.
- Emergency Serv./ ArcGIS Server P.O. Moved by Supervisor Cash and seconded by Supervisor Cervantes to declare ESRI as a sole source provider of GIS server equipment and authorize the purchase of a pre-configured complete ArcGIS Server containing software that is compatible with the existing County GIS from ESRI in an amount not to exceed \$10,074.63. Motion carried unanimously.
- P.W./Eastern CA Museum Highway Sign Permit Agreement The Acting Public Works Director, Mr. Doug Wilson, asked that the term of the Contract, be changed to a 5-year period ending October 31, 2013. He explained that DWP had confirmed after the Agenda was published of the extended term for the Agreement and noted that the term was now consistent with other DWP leases with the County, which are for 5-year terms. Moved by Supervisor Bilyeu and seconded by Supervisor Cash to approve a Sign Permit Agreement between the County of Inyo and the Los Angeles Department of Water and Power for signs advertising the Eastern California Museum, located on U.S. Highway 395, 0.6 miles south and 0.65 miles north of the Town of Independence, for a period of three years beginning November 1, 2008 through October 31, 2011, in an amount not to exceed \$500 per year, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
- P.W. Department Activities Update The Acting Public Works Director reported on his and the Department's activities during the preceding week, including attendance of the CEAC Annual Meeting in conjunction with the CSAC Annual Conference, repairs to roads in Saline Valley and the Panamint areas that were damaged in recent storms, and reporting that the County has benefitted from the Black Rock 4-lane project in that we have stored much of the asphalt grindings for future County projects.

Road Dept./No. Oak Creek Culvert Replacement Project	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 should be completed today. He said that the crews had a little bit more rip-rap work to finish and that should be it. The Board thanked Mr. Wilson and the Road Department Staff for this accomplishment. At the conclusion of the report, Supervisor Brown rejoined the meeting.
County Counsel/ Leibersbach Contract Amendment	County Counsel, Mr. Paul Bruce, reported that this matter is being appealed and at the time the original contracts were approved there was no contingencies for the appeal process. He said the contract is needed in order for the defendants to proceed through the appeal process. He informed the Board that they could expect to see contract amendments with the parties of the action in the near future to increase the amount of money they are paying the County to defend them in this matter. Moved by Supervisor Cash and seconded by Supervisor Brown to approve Amendment No. 1 to the Contract between the County of Inyo and Leibersbach, Mohen, Carney & Reed, increasing the Contract limit by \$30,000 to an amount not to exceed \$80,000 and approving payment for appellate work in the Inyo Citizens for Better Planning v. Inyo County lawsuit. Motion carried unanimously.
CAO-Personnel/ Acting P.W. Director Contract Amendment	The County Administrator explained that the Contract for Acting Public Works Director services is being extended through the end of this fiscal year to facilitate the recruitment process, which he reported was in the background stage. Mr. Carunchio told the Board that he hopes to have the backgrounds completed so that negotiations can commence with one of the applicants after the first of the year. Mr. Carunchio also reviewed the Contract's cancellation clause. Moved by Supervisor Bilyeu and seconded by Supervisor Brown to approve Amendment No. 1 to the Contract between the County of Inyo and Willdan Engineering for provisions of professional engineering and management services as the Acting Director of Public Works, increasing the Contract amount by \$80,000 to a total not to exceed \$180,000 and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
Emergency Serv./ Oak Creek Mud Flows Emergency Continued	The County Administrator noted that the recommendation is for the Board to continue the local emergency as a result of the Inyo complex Oak Creek Mud Flows until the diversion structure 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 Cash and seconded by Supervisor Brown to approve the minutes of the November 18, 2008 Regular Meeting of the Board of Supervisors. Motion carried unanimously. Moved by Supervisor Cash and seconded by Supervisor Cervantes to approve the minutes of the November 22, 2008, Special Meeting of the Board of Supervisors. Motion carried unanimously, with Supervisors Arcularius, Cash, Bilyeu and Cervantes voting yes, and with Supervisor Brown abstaining.
Resol. #2008-52/ Bishop Elementary School District Bonds	On a motion by Supervisor Cash and a second by Supervisor Cervantes, Resolution No. 2008-52, entitled "Resolution of the Board of Supervisors, County of Inyo, State of California Authorizing the Governing Board of the Bishop Union Elementary School District to Issue and Sell General Obligation Bonds of the District on Its Own Behalf Pursuant to State Law," was approved: motion unanimously passed and adopted.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 9:45 a.m., to reconvene in open session at 10:05 a.m., with all Board Members present.
Board Members and Staff Reports	The Board Members reported on their activities during the preceding week including, highlights from last week's CSAC Annual Conference, a Bishop City Council Meeting, a Southern Inyo Hospital Board Meeting, efforts by a group which want to slow down the implementation of the diesel retrofit requirements, the retirement luncheon for Undersheriff John Eropkin, notification that the Bishop Tribe is planning on sending the Board a resolution supporting the County's position on a semi-primitive" land designation, the RCRC Board of Directors Meeting, and a report by the County Administrator on the County's actions regarding the Governor's call for infrastructure projects.

Closed Session	<p>The Chairperson recessed open session at 10:40 p.m., to convene in closed session, with all Board Members present, to discuss and take action as appropriate on Agenda Items No. 17. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(a)] – Vaulet v. County of Inyo WCAB SBR 2417; SBR2715; No. 18. PERSONNEL [Pursuant to Government Code §54957] - Public Employee Appointment - Title – Director of Public Works; No. 19. 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. 20. 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. 21. 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. 22. 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. 23. 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. 24. 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 Court (AOC) – Negotiations – Terms and conditions of potential lease; and No. 23. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(a)] – In the Matter of authorization to Construct a Geologic Repository at Yucca Mt., NRC Docket No. 63-001; CLI-08-25.</p>
Recess/ Reconvene	<p>The Chairperson recessed closed session at 11:00 a.m., to reconvene in open session, with all Board Members present, to receive a presentation from DWP on dust mitigation projects at Owens Lake.</p>
BofS/LADWP Presentation on Owens Lake Dust Mitigation Projects	<p>The Board received a presentation from Bill Von Wagoner of the Department of Water and Power on LADWP’s dust mitigation projects on the Owens Lake. He provided information on the measures, which are in place. He talked about the projects, which are under construction and explained about the moat and row method, which is currently being analyzed. He talked about the Department’s plans for the future with regard to dust mitigation. Mr. Mike Prather of Lone Pine, addressed the Board to say that he felt more global discussions should be held concerning the uses for the Owens Lake. Mr. Ted Shade, Air Pollution Control Officer and Dr. Bill Talbot of the Agriculture Advisory Board addressed the Board. Mr. Shade said that the Great Basin Air Pollution Control District supports the Department’s mitigation measures. Dr. Talbot thanked the Board for the workshops, explaining that the Advisory Board’s recommendation was to encourage a common sense approach to dust mitigation in order to protect the Valley’s water resources.</p>
Public Comment	<p>The Chairperson announced the second public comment period and there was no one from the public wishing to address the Board.</p>
Recess/ Reconvene	<p>The Chairperson recessed the regular meeting at 12:10 p.m., to reconvene in closed session at 1:00 p.m., with all Board Members present to continue discussion on previously noted closed session items.</p>
Report on Closed Session	<p>The Chairperson recessed closed session at 2:37 p.m., to reconvene in open session to receive a report on closed session. County Counsel reported that with regard to Agenda Item No. 23. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(a)] – In the Matter of authorization to Construct a Geologic Repository at Yucca Mt., NRC Docket No. 63-001; CLI-08-25, the Board in a unanimous vote, with Supervisors Arcularius, Cash, Brown, Bilyeu and Cervantes voting yes, authorized the County of Inyo to participate in the licensing hearings being held by the NRC for authorization to construct a Geologic Repository at Yucca Mountain as an intervener.</p>

Adjournment

The Chairperson adjourned the meeting, in memory of Rick Dean, at 2:37 p.m., to 9:00 a.m., Tuesday, December 16, 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*