

# MINUTES

# County of Inyo Board of Supervisors

## September 2, 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, September 2, 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 opened 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. Mr. Pat Cecil, Planning Director, reported on the recent Yucca Mountain Sacramento trip.
- Resol. #2008-38/  
Former County  
Schools Rewiring  
Project              On a motion by Supervisor Bilyeu and a second by Supervisor Cervantes, Resolution #2008-38 was approved, accepting the improvements and authorizing the recording of a Notice of Completion for the Network Wiring Former County Schools Facility Project: motion unanimously passed and adopted.
- Resol. #2008-39/  
Appropriation  
Limits FY 08-09      On a motion by Supervisor Bilyeu and a second by Supervisor Cervantes, Resolution No. 2008-39 was approved, accepting the calculations of the appropriation limitation for the County of Inyo for Fiscal Year 2008-2009: motion unanimously passed and adopted.
- HHS-Children  
Serv./Safe  
School  
Ambassador  
Prgm.              Moved by Supervisor Bilyeu and seconded by Supervisor Cervantes to ratify and approve the Contract between the County of Inyo and Bishop Joint Union High School to resurrect their Safe School Ambassadors Program, for the period of August 1, 2008, through June 30, 2009, in an amount not to exceed \$9,882, contingent upon the Board's adoption of a FY 2008-09 budget; and authorize the Chairperson to sign. Motion carried unanimously.
- P.W./Bishop  
Court Facility  
Transfer              Moved by Supervisor Bilyeu and seconded by Supervisor Cervantes to A) authorize the transfer and assignment of the Lease between the County of Inyo and the City of Bishop for the Superior Court Department Four facility, located at 301 West Line Street, in Bishop, to the State of California pursuant to the Trial Court Facilities Act (ACT) of 2002; B) authorize an annual expenditure in the amount of \$26,092 from funds budgeted in General Revenues and Expenditures Budget Unit 011900, Other Agency Contributions (*Object Code #5539*) as the County Facility Annual Payment for the facility as specified in the Act, contingent upon the Board's adoption of a FY 2008-09 budget; and C) authorize the Chairperson to sign the Lessee Estoppel Certificate, Lease Assignment, Assumption and Amendment of Lease, and the Transfer Agreement between the Judicial Council of California, Administrative Office of the Courts (AOC), and the County of Inyo, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
- CAO-Personnel/  
P. Bruce Contract      Ms. Bennett Kessler, Independence Resident, questioned the Board on the necessity of a vehicle for Mr. Bruce's use. The Board explained that the use of the vehicle was a part of contract negotiations with a County Officer who is expected to respond 24/7 on County business. Moved by Supervisor Cash and seconded by Supervisor Brown to approve Amendment No. 1 to the Agreement between the County of Inyo and Paul N. Bruce for the provision of personal services as a County Officer authorizing a motor vehicle to be assigned to the Officer for his exclusive use as required by his 24-hour emergency and professional response required with the County, effective September 2, 2008, and authorize the Chairperson to sign. Motion carried unanimously.
- Resol. #2008-40/  
Property Tax  
Rates              The Auditor-Controller presented the Board with a revised resolution noting there was a change in the rate paid for the Big Pine School Bonds. On a motion by Supervisor Brown and a second by Supervisor Bilyeu, Resolution No. 2008-40 was approved setting the property tax rates for 2008-2009, per California Government Code §29100: motion unanimously passed and adopted.

- P.W./Dept. Update The Acting Public Works Director, Mr. Doug Wilson, updated the Board on the P.W. Department's activities during the preceding week, including the transfer of the Bishop Court facilities, and the culvert replacement on Oak Creek.
- P.W./Riverside Rd. Replacement Project Funding The Board and Staff reviewed the recommendation to fund the Riverside Road Bridge Replacement Project with STIP funds. Supervisor Bilyeu explained that he still has concerns with the road projects in south County, which are being affected by the reprogramming of the STIP funds. He went on to say that while he has concerns, Staff has assured him that those projects will be completed. He also said that he is now supporting the recommendation because he does not want the County to lose the federal funding that has been authorized for the Bridge Replacement Project, which is a project that also needs to be completed. Moved by Supervisor Bilyeu and seconded by Supervisor Brown to fund the Riverside Road Bridge Replacement Project, as recommended by Staff, to proceed with a State Transportation Improvement Program (STIP) amendment to fund the County match required for the Project. Motion carried unanimously.
- Resol. #2008-41/ Yucca Mt. Officer Designation On a motion by Supervisor Bilyeu and a second by Supervisor Cervantes, Resolution No. 2008-41 was approved designating the Inyo County Planning Director as the Responsible Official for the submittal of documents to the License Support Network on behalf of the County and the Inyo County Planning Director as the County Officer authorized to appear on behalf of the County of Inyo at all Nuclear Regulatory Commission hearings concerning the Yucca Mountain Repository Licensing Application: motion unanimously passed and adopted.
- Ag. Comm/ Natural Livestock Feasibility Study Moved by Supervisor Brown and seconded by Supervisor Cervantes to approve the Agreement for Natural Livestock Feasibility Study Services between National Center for Appropriate Technology and the County of Inyo, in an amount not to exceed \$42,000, contingent upon the Board's adoption of a FY 2008-09 budget; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
- Parks/ADA Diaz Lake Fishing Deck The item to consider the ADA fishing deck at Diaz Lake was postponed to next week's agenda for discussion.
- BofS/PUC 760 Area Code Split Supervisor Cash explained that several large cities in the southern part of the 760 area code have petitioned the CPUC to amend their decision regarding the area code split. She offered to attend the meeting scheduled in Victorville tomorrow to reiterate the County's position that the CPUC's decision regarding the split be upheld. She noted that places for the public to drop off their letters of support have been set up in the communities of Lone Pine and Independence and in City of Bishop. Moved by Supervisor Cash and seconded by Supervisor Bilyeu to approve a letter to the California Public Utilities Commission (CPUC) supporting the Commission's and Administrative Law Judge's ruling regarding the 760 area code; authorize the Chairperson to sign, and authorize the Chairperson to respond to the responses provided to reflect the County's support of the original decision made by the PUC and the Administrative Law Judge. Motion carried unanimously.
- BofS/SB 3304 Rename North Palisades Supervisor Bilyeu explained that he did not support Senator Feinstein's efforts to rename North Palisades Peak in honor of David Brower. He said there were many unnamed peaks in the Palisades Range that could be given the name. He went on to suggest that if a renaming of North Palisades proceeds, it should be re-named in honor of a local veteran like Cpl. Wayne Geiger who was a local kid who gave his life for his Country. Supervisor Brown agreed saying that it would be better to name an unnamed peak than to change the name of an already well-publicized climbing destination like North Palisades. Supervisor Cervantes agreed, explaining that he felt the cost to change the name could be excessive and confusing with regard to the already published maps and literature. Supervisor Cash explained that she felt an unnamed peak should be named rather than renaming a well-known peak. Supervisor Arcularius questioned the need to rename the peak. Moved by Supervisor Bilyeu and seconded by Supervisor Cash to authorize the Chairperson to send a letter to Senator Feinstein opposing SB 3304 (Feinstein), which will change the name of "North Palisades" Peak to "Brower Palisades" Peak in honor of David Brower, the first Executive Director of the Sierra Club. Motion carried unanimously.
- Resol. #2008-42/ 100<sup>th</sup> Anniversary of Credit Unions Supervisor Bilyeu explained that he had received the request to honor the Credit Unions on their 100<sup>th</sup> Anniversary. He said brought the request forward because he has belonged to a credit union for many, many years and he appreciates the services they provide to the working class. The Board noted a couple of minor errors under the "passed and adopted" paragraph, which they asked be corrected.

On a motion by Supervisor Bilyeu and a second by Supervisor Cash Resolution No. 2008-42 was approved celebrating the 100<sup>th</sup> Anniversary of Credit Unions in the United States: motion unanimously passed and adopted.

Emerg. Serv./Oak Creek Emergency Continued The County Administrator briefly updated the Board on the continuing activities surrounding the Inyo Complex Oak Creek Mud Flows emergency and recommended the Board continue the emergency until the water is returned to the natural channel of Oak Creek and the County's culvert replacement is completed. 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 Board of Supervisors meetings as follows: A) regular meeting of August 12, 2008; B) special meeting of August 13, 2008; C) special meeting of August 18, 2008; and D) regular meeting of August 19, 2008. Motion carried unanimously.

Recess/Reconvene The Chairperson recessed the regular meeting at 10:15 a.m., to reconvene in open session at 10:35 a.m., with all Board Members present.

BofS/E.S. and No. San Gabriel Wild Heritage Act Supervisor Arcularius told the Board that the Eastern Sierra and Northern San Gabriel Wild Heritage Act was scheduled to be heard in Committee in the near future. The Board talked about the previous letter, which had been sent to Congressman McKeon, to which the Board had not received a response. The Board discussed the inadequacies of the legislation in that there was little to no protections for local issues. Mr. Ron Schiller, addressed the Board to support the Board taking an opposing position on the legislation. The Board continued to discuss the legislation, including the lack of federal funding to support the increased activities generated by the new designations, the incompatibility with adjacent land uses, the lack of protection for public access; the locking up of natural resources; and the lack of local economic protections. Mr. Dick Noles, Inyo County Resident, addressed the Board to support the Board opposing this legislation. The Board directed the Chairperson to draft and sign a letter to Congressman McKeon and Senator Boxer, identifying once again Inyo County's concerns with the Eastern Sierra and Northern San Gabriel Wild Heritage Act and taking an opposing position unless Inyo County's criteria, which are identified in Inyo County Resolution #2002-43, are met.

BofS/New Wilderness Proposal The Board discussed the California Wilderness Coalition's proposal to Senator Feinstein for new wilderness designations in Inyo County. Many of the same issues identified in the previous discussion were noted during the discussion on the new wilderness proposal. The Board said that at the very least, prior to further discussions on the proposal, local public meetings should be conducted to get the public's input from the beginning. The Board asked the Chairperson to draft and sign a letter to Senator Feinstein, identifying the criteria Inyo County has identified that must be met prior to the Board taking a support position on any wilderness, and requesting that the Senator conduct local public hearings on this proposal before any further action is taken.

Recess/Reconvene The Chairperson recessed the regular meeting at 12:20 p.m., to reconvene in open session at 1:25 p.m., with all Board Members present.

Public Comment The Chairperson announced the second public comment period. The Board was notified of and invited to attend the upcoming dedication of the Jane Bright Memorial Rock Garden which is taking place at the Eastern California Museum next Tuesday, at 5:15 p.m.

Board Members and Staff Reports The Board Members reported on their activities during the preceding week, including the Yucca Mountain Sacramento trip.

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. 22. **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. 23. **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. 24. **PERSONNEL [Pursuant to Government Code §54957]** - Public Employee Performance Evaluation - Title – County Administrative Officer; and No. 25. **CONFERENCE WITH LABOR NEGOTIATOR (Pursuant to Government Code §54957.6)** – Instructions to Negotiators re: wages, salaries and benefits – Title: County Administrative Officer – Negotiator – as designated by the Board of Supervisors.

Report on Closed Session The Chairperson recessed closed session at 2:25 p.m., to reconvene in open session, to receive a report on closed session. County Counsel reported there were no items discussed in closed session, which were required to be reported on in open session.

Adjournment The Chairperson adjourned the regular meeting at 2:25 p.m., to 9:00 a.m., Tuesday, September 9, 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*