

MINUTES

County of Inyo Board of Supervisors

August 2, 2011

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, August 2, 2011, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Susan Cash presiding, Linda Arcularius, Rick Pucci, Marty Fortney and Richard Cervantes. Supervisor Cervantes 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 Department Report Period The Chairperson announced the County Department Report Period. Sheriff Bill Lutze reported on the recent storm cells that passed through the area that caused damage in the Mt. Whitney area, as well in the Death Valley area. Mr. Marvin Moskowitz, Director of Environmental Health updated the Board on a large diesel spill on Trona Road which was still being remediated. Mr. Moskowitz informed the Board that there has been no groundwater contamination as a result of this spill. Mr. Moskowitz also updated the Board on recent proposed legislative language that would eliminate the flow-through exemption for pass through systems in the State swimming pool regulations. He explained he believes he has been successful in getting the exemption language added back into the regulations. Dr. Bob Harrington, Water Director, reported on the recent Technical Group Meeting, which had been continued for the second time because of DWP.
- Introduction Mr. Brandon Shults, Director of Information Services, introduced Mr. Adrian Heredia, Network and Operations Analyst working for IS and HHS, to the Board.
- CAO-Budget/State Budget Update The County Administrator, Mr. Kevin Carunchio, provided an update on State budget activities and the impacts to the County.
- Emerg. Serv./Oak Creek Mud Flow Moved by Supervisor Arcularius and seconded by Supervisor Fortney to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.
- P.W./Weather Radio Transmitter P.O. Moved by Supervisor Arcularius and seconded by Supervisor Fortney to declare Armstrong Transmitter Corporation a sole source provider of weather radio transmitters and authorize the purchase of one Armstrong Weather Transmitter from Armstrong Transmitter Corporation for the Inyo County Office of Disaster Services, in an amount not to exceed \$24,700, contingent upon the Board's adoption of a FY 2011-12 Budget; and authorize the County Administrator as Director of Inyo County Disaster Services to sign any documents associated with the purchase of this equipment. Motion carried unanimously.
- Road/State Budget Contract for Annual Road Audit Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve a contract between the County of Inyo and the Controller of the State of California for the preparation of the Annual Road Report for the Fiscal Year ending June 30, 2011, in an amount not to exceed \$4,000, contingent upon the Board's adoption of a FY 2011-12 Budget; authorize the Road Commissioner to sign the Road Report per State law and the Contract. Motion carried unanimously.
- P.W./ESTA Parking Lot and Fencing Project Plans & Spec. The Public Works Director explained that because of a lack of responders to the initial request for bids for the individual projects of Security Lighting and Fencing, the two projects had been combined. He also explained that because of timing deadlines for the project and the funding, he is requesting authority to award and sign a contract for the project if the low bid is at or less than the engineers estimate for the project. Moved by Supervisor Arcularius and seconded by Supervisor Fortney to A) approve the re-scoped plans and specifications for the ESTA Parking Lot Security Lighting and Fencing Project; B) authorize the Interim Public Works Director to advertise and bid the project; C) authorize the Interim Public Works Director to award and sign the Contract if the bids are within the engineers estimate, contingent upon the Board's adoption of the FY 2011-12 Budget; and

D) authorize the Interim Public Works Director to sign all other Contract documents, including change orders to the extent permitted pursuant to Section 20142 of the Public Contract Code and other applicable law. Motion carried unanimously.

GAO-Adv. County Resc./Comm. Project Grants Moved by Supervisor Cervantes and seconded by Supervisor Fortney to approve the payments to the following for Community Project Sponsorship Grant Projects: A) \$3,250 to the Lone Pine Chamber of Commerce for completing the Inyo County Shootout Photo Contest; and B) \$1,797.78 to the Friends of the Mt. Whitney Fish Hatchery for completing the Independence Father's Day Fishing Derby. Motion carried unanimously.

HHS-Inyo First Five Comm./Position Request The Board and staff discussed the position being requested. In response to a concern identified by Supervisor Cash, the Director of HHS, Ms. Jean Turner, explained that this would not be a closed departmental recruitment but would be a closed countywide recruitment. Moved by Supervisor Fortney and seconded by Supervisor Pucci to A) change the authorized strength by deleting one part-time HHS Specialist B-Par position at Range 053PT (\$14.89 – \$18.12/ hour) and adding one full-time HHS Specialist position at Range 53 (\$2,779 – \$3,380); and B) find that consistent with the adopted Authorized Position Review Policy: 1) the availability of funding for the requested position exists in the First 5 Budget, as certified by the Health and Human Services Director, and concurred with by the County Administrator and the Auditor-Controller; 2) where internal candidates meet the qualifications for the position, the vacancy could be filled through an internal County recruitment; and 3) approve the hiring of one HHS Specialist at Range 53, contingent upon the Board's adoption of a FY 2011-12 budget. Motion carried unanimously.

Child Support Serv./ Position Request The Director of Child Support Services, Ms. Susanne Rizo, provided additional information and further justification for the request to change the authorized strength of her Department and for authority to fill a vacancy. Ms. Rizo explained that the changes being recommended were to bring the Program's staffing levels in line with the Regional Program which was recently approved by the State and Inyo and Mono counties. Moved by Supervisor Fortney and seconded by Supervisor Arcularius to A) create a new job classification of Child Support Supervisor, at Range 72 (\$4,336 - \$5,267) and approve the job description; B) approve this classification as a non-represented position; C) change the authorized strength by adding one full-time child Support Supervisor position at Range 72 and one full-time Administrative Analyst I position at Range 66 (\$3,757 – \$4,574), and deleting one full-time Child Support Officer III position at Range 64 (\$3,590 - \$4,363); and D) find that consistent with the adopted Authorized Position Review Policy: 1) the availability of funding for the requested position comes from the Child Support fund, as certified by the Director of Child Support Services, and concurred with by the County Administrator and the Auditor-Controller; 2) where internal candidates meet the qualifications for the position of Child Support Supervisor, the vacancy could be filled through an internal County recruitment; and 3) approve the hiring of one Child Support Supervisor at Range 72, contingent upon the Board's adoption of a FY 2011-12 Budget. Motion carried unanimously.

Recess/ Reconvene The Chairperson recessed the regular meeting at 9:50 a.m., to reconvene in open session at 10:00 a.m., with all Board Members present.

HHS-IMAAA/ FY 2011-12 Budget Ms. Jean Turner, Director of Health and Human Services and the Executive Director of the Inyo Mono Area Agency on Aging (IMAAA) Governing Board, introduced Mr. Roger Rasche, the Chairperson of the IMAAA Advisory Council, to the Board. Ms. Turner went on to talk about the costs of running the IMAAA Program in Inyo and Mono counties, including reviewing the client and services data that was provided. The County Administrator added that the IMAAA budget that has been presented to Inyo County would constitute nearly a \$100,000 increase in the County's General Fund contribution over last year's budget. The Board and Ms. Turner talked about the disparity between the amounts of funding provided by Inyo County vs. that provided by Mono County. The Board expressed concern with Mono County Governing Board representatives' interpretations on how the administration of the program should be funded, as well as how and to whom the program should be offering services. The Board Members expressed their desire to ensure that the Senior Program provide services to the most needy seniors in the two counties as opposed to all seniors over the age of 60 whether they need it or not. Additionally the Board disagreed with the Mono County position that the administration costs for the program be born almost entirely by Inyo County when the administrative costs are incurred as a result of administering the regional program and not from the operational costs of providing services. The Board indicated that it believes the administrative costs should be divided equally between the two counties. The Board also discussed the possibility of notifying the entire Mono County Board of Supervisors of the current situation regarding IMAAA funding.

The Board reviewed the alternatives identified in the Staff Report, as well as the ramifications of those alternatives, including not accepting the budget, making contractually required notification to the Governing Board and the State of the County's intent not to continue with the administrative contract for FY 2012-13. The Board and Staff continued to discuss the proposed budget including the possibility of Inyo County funding its own senior program without the aid of State and Federal funds, as well as the breakeven point of funding the regional program by both counties, i.e., Mono County gets \$175,000 worth of services for the requested amount of \$165,000 for administrative costs. The Board Members continued to talk about the funding request, with the crucial concern of the Board being that the most vulnerable and needy seniors continue to be provided with the critical essentials, i.e. food. Several motions were made and withdrawn prior to votes being called as the Board continued to grapple with the dilemma of continuing to fund senior services in Inyo County with increasing amounts of General Fund monies without reciprocation from Mono County.

Moved by Supervisor Arcularius and seconded by Supervisor Fortney to direct staff, with regard to the FY 2011-12 budget proposed by the Governing Board for the Inyo Mono Area Agency on Aging (IMAAA) as part of the regional administrative contract between the County and IMAAA, including a request for Inyo County General Funds in an amount of \$686,514, to send communication to the IMAAA Governing Board that the budget that has been presented is not acceptable and at this time Inyo County is looking for reductions in that budget specifically in the administrative costs and that the Inyo County Board of Supervisors is also directing staff to bring back all options available to proceed with the continual delivery of services to our senior citizens. Motion carried unanimously.

Ordinance 1165/
2010 Supervisorial
Census Data On a motion by Supervisor Fortney and a second by Supervisor Pucci, Ordinance 1165 was enacted to update the population statistics for each supervisorial district based on the 2010 Census data, and titled "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Replacing Section 1.12.020 of Chapter 1.12 of the Inyo County Code, in Inyo County California:" motion unanimously passed and adopted.

Recess/
Reconvene The Chairperson recessed the regular meeting at 11:50 a.m., to reconvene in open session at 12:45 p.m., with all Board Members present.

Planning/CESEAP
Participation Plan The Planning Director, Mr. Josh Hart, explained what the CESEAP Public Participation Plan is. The Board and Mr. Hart discussed the Board's involvement in the planning process. Supervisor Arcularius explained that since she has constituents that experience problems with SCE she would volunteer to serve. Supervisor Cash also volunteered to serve. Moved by Supervisor Arcularius and seconded by Supervisor Pucci to appoint Supervisors Arcularius and Cash to participate in the stakeholder group for the planning process for the CESEAP Public Participation Plan. Motion carried unanimously.

BofS/Minute
Approval Moved by Supervisor Fortney and seconded by Supervisor Cervantes to approve the minutes of the July 19, 2011 Board of Supervisors Meeting. Motion carried unanimously, with Supervisors Arcularius, Pucci, Fortney and Cervantes voting yes, and with Supervisor Cash abstaining.

Child Support
Services Workshop The Chairperson recessed open session at 1:55 p.m., to convene in a workshop, with all Board Members present, regarding the Eastern Sierra Child Support Agency Program. The Chairperson recessed the workshop at 2:05 p.m.

Planning Zoning
Code Workshop The Board convened in a workshop at 2:05 p.m., with all Board Members present, to provide input to staff the Planning Commission on draft sections of the updated Zoning Code. The Chairperson recessed the workshop at 2:20 p.m.

BLM/Salazar
Wilderness
Designations The Chairperson reconvened in open session at 2:35 p.m., with all Board Members present to provide input on potential wilderness designation recommendations to be made by Secretary Salazar to Congress consistent with the Secretary's letter to Members of Congress. The Board requested that Staff prepare a response, to be brought back for the Board's consideration, to the State Secretary to include the County's resolution on its requirements when wilderness designations are being considered that was adopted several years ago. The Board also talked about the need to update that resolution.

Board Members and
Staff Reports The Board Members reported on their activities during the preceding week including a tour of the storm damage in the Mt. Whitney area, a Southern Inyo Airport Advisory Committee Meeting, the Technical Group Meeting, an upcoming Great Basin Air Pollution Control Board Meeting regarding the smoke in the Valley, an ESTA Meeting, a Digital 395 Meeting, a Northern Inyo Airport Advisory

Committee Meeting, a Bishop Tribal Council Meeting, and an update on the status of the Lone Pine Community Center from the County Administrator who explained that because of Alquist-Priolo Act seismic requirements the project may be in jeopardy because the proponents is unwilling to meet the requirements and the County has no latitude in waving the requirements under the Act.

- Public Comment The Chairperson announced the second public comment period and there was no one from the public wishing to address the Board.
- Closed Session The Chairperson recessed open session at 2:45 p.m., to convene in closed session, with all Board Members present, to discuss and take action as appropriate on Agenda Items No. 20. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6].** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: ICEA - Negotiators: Labor Relations Administrator Sue Dishion, Director Child Support Services Susanne Rizo, and Chief Probation Officer Jeff Thomson; No. 21. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code § 54957.6].** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Inyo County Correctional Officers Association (ICCOA) - Negotiators: 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: Inyo County Probation Peace Officers Association (ICPPOA) – 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: 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 Appointment - Title: Director Public Works; No. 25. **PERSONNEL [PURSUANT TO GOVERNMENT CODE §54957]** - Public Employee Performance Evaluation - Title: Director Public Works; No. 26. **PERSONNEL [PURSUANT TO GOVERNMENT CODE §54957]** - Public Employee Performance Evaluation - Title: Director of Health and Human Services; No. 27. **REAL PROPERTY NEGOTIATIONS - CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Pursuant to Government Code §54956.8)** – Property – APN022-070-06, Independence, California – Negotiating Parties – County Administrator and State of California – Negotiations – Terms and Conditions; No. 28. **REAL PROPERTY NEGOTIATIONS - CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Pursuant to Government Code §54956.8)** – Property – APN010-490-08, Bishop, California – Negotiating Parties – County Administrator and Joseph Enterprises – Negotiations – Terms and Conditions; No. 29. **REAL PROPERTY NEGOTIATIONS - CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Pursuant to Government Code §54956.8)** – Property – APN008-240-01, Bishop, California – Negotiating Parties – County Administrator and Mitchell Asset Group – Negotiations – Terms and Conditions; and No. 30. **REAL PROPERTY NEGOTIATIONS - CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Pursuant to Government Code §54956.8)** – Property – S.E. 1.07 acres of APN002-133-02, Independence, California (Jail and Road Yard) – Negotiating Parties – County Administrator and Director of Public Works and Administrative Offices of the Courts (AOC) – Negotiations – Terms and Conditions of Potential Lease.
- Report on Closed Session The Chairperson recessed closed session at 5:26 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 5:26 p.m., to 9:00 a.m., Tuesday, August 9, 2011, in the Board of Supervisors Room, at the County Administrative Center, in Independence.

Chairperson, Inyo County Board of Supervisor

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

by: _____
Patricia Gunsolley, Assistant