

MINUTES

County of Inyo Board of Supervisors

April 10, 2012

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, April 10, 2012, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Marty Fortney presiding, Linda Arcularius, Susan Cash, Rick Pucci, and Richard Cervantes. Supervisor Cervantes provided the Invocation, and Supervisor Pucci 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 Reports The Chairperson announced the County Department Report period and there were no reports forthcoming.
- Emerg. Serv./Oak Creek Mud Flows Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.
- E. Health/SBC Water Lab Services Contract Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to approve the Contract between the County of Inyo and Sierra Business Council for the provision of Water Lab Analytical Services, for the period of March 31, 2012 through March 31, 2016, 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.
- HHS-Social Serv./Family Child Care Licensing Contract with State Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to approve the Contract between the County of Inyo and the State of California Department of Social Services – Community Care Licensing Division for the provision of Family Child Care Licensing functions, for the period of July 1, 2012 through June 30, 2014; and authorize the Chairperson to sign. Motion carried unanimously.
- Planning/Stephens & Associates Contract Amendment Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to approve Amendment No. 3 to the Contract between the County of Inyo and Daniel B. Stephens & Associates, Inc. (DBSA), for the provision of hydrologic analysis services, to extend the Contract term to June 30, 2013, 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.
- Water Dept./Position Request The Water Director, Dr. Bob Harrington, explained that the seasonal position being requested would be working on extra monitoring for a monitoring program that will parallel DWP's to see if the County can reproduce the results. Moved by Supervisor Cash and seconded by Supervisor Cervantes to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the requested positions exists as certified by the Water Director, and concurred with by the County Administrator and the Auditor-Controller; B) where internal candidates meet the qualifications for the positions of Field Assistant the vacancies could possibly be filled through an internal recruitment, however an open recruitment would be more appropriate as there may not be sufficient internal applicants to fill the requested positions; and C) approve the hiring of two seasonal Field Assistant I at Range 050PT (\$13.90 – \$16.87) for the period of June 1, 2012 through August 31, 2012, contingent upon the Board's adoption of a FY 2012-13 budget. Motion carried unanimously.

Public Works/
Position Request

Supervisor Cash asked about the authorization to hire at the E Step for this entry level position. Mr. Doug Wilson, Interim Public Works Director, said that he had copied a previous request and that he was not necessarily looking at hiring at the E Step. The County Administrator clarified that positions could be offered at the A step by the Department Head, at the B, and C steps by the County Administrator, and the D and E steps by the Board. Moved by Supervisor Cash and seconded by Supervisor Cervantes to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the requested positions comes from the Road Budget as certified by the Interim Public Works Director, and concurred with by the County Administrator and the Auditor-Controller; B) where internal candidates meet the qualifications for the positions of Heavy Equipment Operator the vacancies could possibly be filled through an internal recruitment, however an open recruitment would be more appropriate to ensure a sufficient number of qualified applicants apply; and C) approve the hiring of two Equipment Operator I at Range 58 (\$3,119 – \$3,795) up to the C step depending upon the qualifications of the candidates. Motion carried unanimously.

Probation/Position
Request

The Chief Probation Officer, Mr. Jeff Thomson, explained that there are currently 5 vacancies at the Juvenile Hall. He said 4 positions are in the final recruitment stages. He also informed the Board that the most recent recruitments had not resulted in female applicants and the County is required to have a certain number of female staff at the Juvenile Facility because it houses both male and female juveniles. He said future recruitments would be directed at getting female applicants. Moved by Supervisor Cash and seconded by Supervisor Arcularius to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the requested position exists as certified by the Chief Probation Officer, and concurred with by the County Administrator and the Auditor-Controller; B) where internal candidates meet the qualifications for the position of Group Counselor, the vacancy could possibly be filled through an internal recruitment, however an open recruitment would be more appropriate to ensure the position is filled with the most qualified applicant, and C) approve the hiring of one full-time Group Counselor I at Range 62 (\$3,426 - \$4,166). Motion carried unanimously.

HHS-Behavioral Hlth.
Serv./Position
Request

Ms. Jean Turner, Director of Health and Human Services, provided the Board Members with a copy of the Wellness Spring Newsletter. She explained that this was a paraprofessional position that would augment services. Moved by Supervisor Arcularius and seconded by Supervisor Pucci to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the requested position exists, in the Mental Health Budget as certified by the Director of Health and Human Services, and concurred with by the County Administrator and the Auditor-Controller; B) where internal candidates meet the qualifications for the position of Health and Human Specialist the vacancy could possibly be filled through an internal recruitment, however an open recruitment would be more appropriate to ensure a sufficient number of qualified applicants apply if none is found on existing lists; and C) approve the hiring of one B-Par Health and Human Services Specialist at Range 53PT (\$14.89 - \$18.12). Motion carried unanimously.

HHS-Mental Hlth.
Serv./MHSA CSS
and PEI 11/12 Plan
Update

The Director of Health and Human Services, Ms. Jean Turner, provided additional information and further justification for approving the MHSA CSS and PEI Plan Update and hiring a part-time Psychiatric Nurse. She explained how the Psychiatric Nurse expands the services that are provided, detailing some of the activities the Psychiatric Nurse may carry out. Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to A) approve the MHSA CSS and PEI 11/12 Plan Update to access the full CSS planning amount of \$851,000 and the full PEI planning estimate of \$126,300 under the approved MHSA Agreement and authorize the Behavioral Health Services Director to sign; and B) as a part of the proposed MHSA PEI Plan, increase the authorized strength by one full-time Psychiatric Nurse position and find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the requested position exists, as certified by the Director of Health and Human Services, and concurred with by the County Administrator and the Auditor-Controller; B) where internal candidates meet the qualifications for the position of Psychiatric Nurse the vacancy could possibly be filled through an internal recruitment, but an open recruitment would be more appropriate to ensure a sufficient number of qualified applicants apply; and C) approve the hiring of one Psychiatric Nurse I at Range 78 (\$4,997 - \$6,074), or II at Range 80 (\$5,238 - \$6,371). Motion carried unanimously.

CAO-Planning/
Natural Resources
Budget Amendment
and Gruen Gruen +
Associates Contract
Amendment

The County Administrator made opening remarks and discussed the Contract and the Hidden Hills Project which included

- a synopsis of what has been accomplished under this contract on the Hidden Hills Solar Energy Generating System Project;
- a reminder of information provided during the March 13, 2012 workshop through which the Gruen's helped to guide the Departments in identifying project impacts of over \$11 million for the 30 month construction phase and starting at \$1.7 million a year in on-going costs, escalating at around 5% per year for 30 years;
- the taxes Bright Source expects to pay is around \$3.9 million of which the County's share would be about \$1.1 million or 29%, to cover the costs;
- that we have been able to start to make the case of the County's impacts to the CEC;
- that as the County moves forward the Departments are going to be asked to revisit their cost calculations to base their figures on more than a 5% workforce being based in Inyo County, i.e., 10, 15, 20, 25 up to maybe 50% based on representations that Bright Source made that they now have a labor agreement with all of the labor coming from California;
- the fact that the more employees that are housed in Inyo County the higher the impacts, without the corresponding economic benefit because spending will take place in Pahrump and Las Vegas;
- the fact that the discovery period for the CEC permitting processes had ended and as such Bright Source's information and representations concerning the project are not a part of the official record, so we are speculating on situations and asking the CEC to come up with adaptive mitigations measures to make sure the County is protected;
- that the CEC is conducting a socio-economic workshop that the County will want the Gruen's and Department Heads to attend and this workshop will be where the County starts to fine-tune the information that has been provided;
- notification that another amendment for this contract will most likely be forthcoming in the future;
- additional work that will be needed, if the County is successful in obtaining the documentation, which will be an evaluation of the Power Purchase Agreement that Bright Source has entered into with PG&E in order to find out the value of the electricity that will be generated, as well as a copy of the Option Agreement with the Charleston View property owners, both of which are necessary in order to complete the socio-economic analysis to make sure that Bright Source's project is financially viable enough for the Company to honor any of the commitments it makes for reclamation, reimbursing the County, etc.;
- information concerning the funding of the Contract and Bright Source's continuation of reimbursement for County costs;
- the timing of when the County might want to become a different kind of participant in the CEC proceedings;
- the status of Bright Source's General Plan Amendment Application which has not been received to date;
- concern with Bright Source continuing to make and not meet commitments and representations as the CEC permitting process proceeds; and
- Bright Source's desire to have the County treat this development differently than it treats other developments, even though this industry has already been given huge benefits i.e., property tax breaks, etc.

Moved by Supervisor Arcularius and seconded by Supervisor Cash to A) amend the Planning Budget Unit 023800 by increasing revenue in Services and Fees (*Revenue Code #4819*) by \$35,000, and increasing appropriations in the Internal Charges (*Object Code #5121*) by \$35,000; B) amend the Natural Resources Budget Unit 010204 by increasing revenue in Intra County Charges (*Revenue Code #4891*) by \$35,000, and increasing appropriations in Professional and Special Services (*Object Code #5265*) by \$35,000; and C) approve Amendment No. 3 to the Contract between the County of Inyo and Gruen Gruen + Associates, increasing the amount of the Contract by \$35,000, for a total contract amount not to exceed \$155,000, contingent upon the Board's adoption of future budgets, and authorize the County Administrator to sign, contingent upon appropriate signatures being obtained. Motion carried unanimously.

BofS/Minute
Approval

Moved by Supervisor Cash and seconded by Supervisor Pucci to approve the minutes of the March 27, 2012 Board of Supervisors Meeting.

Recess/
Reconvene

The Chairperson recessed the regular meeting at 9:55 a.m., to reconvene in closed session at 10:05 a.m., with all Board Members present.

Closed Session

The Board met in closed session to discuss and take action as required on Agenda Item 23. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code § 54957.6].** – Instructions to Negotiators re: wages, salaries and benefits – Title IHSS – Negotiators: Health and Human Services Director Jean Turner, Labor Relations Administrator Sue Dishion, and Employer of Record Anne Parkinson Noda and Bill May.

Recess/
Reconvene

The Chairperson recessed closed session at 11:00 a.m., to reconvene in open session at 11:05 a.m., with all Board Members present.

HHS-Senior Serv./
Proposal for ESAAA

Ms. Jean Turner, Director of Health and Human Services, summarized the issues surrounding the County of Inyo seeking designation as the Area Agency on Aging for Planning and Service Area (PSA) 16. She reiterated that this request does not impact current services to the local seniors, it is only a change in the local governance structure. Supervisor Cash asked for clarification on one of the organization charts questioning the Board of Supervisors placement under the Health and Human Services Department. Ms. Turner provided an explanation that it was just the current working relationship that was being portrayed and saying it could be clarified by adding a / in BofS box. The Board and Ms. Turner discussed the importance of conveying to the State that while the County is willing to provide the administration for the Program, the State reimbursement level of \$60,000 is inadequate to cover the costs of performing the duties. Ms. Turner explained that it can't hurt to reiterate this, but in conversations she has had with the State she has been told that it's not going to change. The Board and Ms. Turner talked about the reason the County is pursuing this designation, saying it is because the Board of Supervisors cares about its senior citizens and wants to see the services continued at the level at which it has been provided. Supervisor Arcularius noted that the County should pursue this with the State, in the future, to address the administrative costs of this program at a State level and asked the proposal include a notation that it is inadequate funding. She said that she didn't want this proposal to be viewed as "that we are accepting that that's the amount of money that can run this program because it's not." Ms. Turner suggested amending the fiscal section with an acknowledgement of that allocation and expressing concern about the great inadequacy of it. The County Administrator suggested language in the Administrative Section of the proposal to be amended to say something to the effect of "that commensurate with the County's ability to continue to fund administrative costs that exceed administrative allocation." Ms. Turner noted that the proposal being presented mirrors the current program, and there are no changes being proposed at this time. Ms. Katherine Williams, past president of the IMAAA Advisory Council, addressed the Board to ask about meals to be provided in Benton. Ms. Turner reiterated that the present proposal mirrors the existing program which does not include meals at the Senior Center in Benton. The Board and Ms. Turner continued to discuss the proposal for the County of Inyo to become the designated Area Agency on Aging for PSA 16 and its governance structure. Moved by Supervisor Arcularius and seconded by Supervisor Cash to approve the Proposal of Designation as the Area Agency on Aging (AAA) for Planning and Service Area (PSA) 16, requesting the California Department of Aging (CDA) designate the County of Inyo as the Eastern Sierra Area Agency on Aging (ESAAA), as amended, with the minor language changes that were suggested including the caveat on the \$60,000 administrative cost reimbursement and the organization chart; and authorize the Chairperson to sign the cover letter. Motion carried unanimously.

Probation/Community Corrections Partnership Plan The Chief Probation Officer, Mr. Jeff Thomson, and Deputy Director of Probation Adult and Juvenile Services, Mr. Jake Morgan, presented the Community Corrections Partnership Plan that is required as a result of the Public Safety and Realignment Act of 2011. Mr. Thomson expressed his gratitude for all those who participated in the development of the Plan, saying this was truly a collaborative effort. The presentation highlighted many areas of the Plan, i.e., who will be incarcerated locally, the variety of sentencing length, probation/parole requirements and alternatives, the impact of increased jail population, mandatory supervision requirements, and the requirements for providing medical care to inmates. The Board, Chief Thomson and Mr. Morgan discussed the Plan and how it alters and affects ongoing operations of the Sheriff's Department, the Jail, Probation, and Health and Human Services. The Board talked about funding resources to pay for the increase in costs to implement this Act. Supervisor Arcularius asked about the redirection of funding and the Board of Supervisors discretion and authority over funding and spending. The County Administrator provided further clarification by explaining that (a) the Board would retain all constitutional budget authority; (b) the Board is being asked to concur with the Plan recommended by the CCP Executive Committee, that a 4/5's is needed if the Board wants to reject the Plan, and in approving the Plan the Board is not approving budget appropriations; (c) once the Plan is approved a budget will be developed and brought back for Board approval; (d) the money is being placed in the new Local Revenue Fund that will have a series of subaccounts, with the largest amounts being allocated in the Local Community Corrections Account which will fund a budget that will serve as a cost center for allocations from which other affected budgets, i.e., Sheriff, Probation, Jail, etc., would be amended to reflect revenue coming in as an Inter County Charge to cover expenditures when they are made; (e) that realignment made a lot of changes to funding and took historic funding sources and lumped it into this Local Revenue Fund with new revenue sources; (f) that some sources will remain like HHS funds and some are new like Court Security; (g) for Court Security the County is looking at setting it up as a liability account within the Local Revenue Fund, where the Sheriff would still budget for Court Security per the terms of the MOU with the Superior Court and then bill against that liability in the Fund; and (h) for the purposes of implementing the Plan a budget similar to what has been provided will be brought back for Board approval with required amendments to the budgets that would be actually and ultimately responsible for the expenditures. Ms. Jean Turner, Director of Health and Human Services, provided additional information regarding program impacts. Chief Thomson noted that the Plan before the Board is Phase I. He said it was designed in a more general format so that the County was not locked into more specifics. He said it was intended to look at the first nine months of realignment. He also said the Plan will remain fluid; they will be coming to the Board with some updates; as they know more of what the funding is for year two, they will be able to develop a more realistic budget on certain programs. Supervisor Cash mentioned that she was glad to see that Inyo County's Plan addressed the need for medical care for inmates. Mr. Jeff Griffiths, Bishop City Council Member, addressed the Board to speak on behalf of Bishop Police Chief Chris Carter. He conveyed Chief Carter's unqualified support for this Plan and expressed the Chief's thanks to all of those who worked so hard to develop the Plan.

Moved by Supervisor Pucci and seconded by Supervisor Arcularius to A) approve the local Community Corrections Partnership Plan in accordance with the Public Safety and Realignment Act of 2011 and as recommended by the Community Corrections Partnership (CCP) and approved by the Executive Committee pursuant to Penal Code Sections 1202 and 1230.1; B) authorize the Chairperson to sign the Plan; and C) designate the Probation Department as the Supervising Entity for post-release community supervision offenders pursuant to Penal Code §3451. Motion carried unanimously.

Recess/Reconvene The Chairperson recessed the regular meeting at 12:50 p.m., to reconvene in a workshop at 1:30 p.m., with all Board Members present.

Integ. Waste/AB 341 Mandatory Comm. Recycling Workshop The Board met with Mr. Jeff Ahlstrom, Supervising Landfill Engineering to learn more about the County of Inyo's compliance with AB 341: Mandatory Commercial Recycling (effective 7-1-12). The Chairperson recessed the workshop at 2:25 p.m., to reconvene in open session, with all Board Members present.

Board Members and Staff Reports The Board Members reported on their activities during the preceding week including a Mental Health Advisory Board Meeting, and a Fish and Game Strategic Vision Meeting.

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 2:30 p.m., to reconvene in closed session with all Board Members present to discuss and take action as appropriate on Agenda Items No. 18. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Deputy Sheriffs Association (DSA) - Negotiators: Labor Relations Administrator Sue Dishion, Information Services Director Brandon Shults, and Planning Director Josh Hart; No. 19. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Elected Officials Assistants Association (EOAA) - Negotiators: Chief Probation Officer Jeff Thomson and Labor Relations Administrator Sue Dishion; No. 20. **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. 21. **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 of Child Support Services Susanne Rizo, Chief Probation Officer Jeff Thomson; 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; and No. 24. **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.

Report on Closed Session

The Chairperson recessed closed session at 5:15 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 meeting in memory of Bob Webster a long-time Bishop resident that passed away recently. The Chairperson adjourned the meeting at 5:15 p.m., to 9:00 a.m., Tuesday, April 17, 2012, 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