



County of Inyo Board of Supervisors

August 28, 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, August 28, 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 Mr. Randy Keller, County Counsel, 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 The Chairperson announced the County Department Report period. Mr. Jeff Ahlstrom, Managing Landfill Engineer, brought to the Board's attention a report that was being submitted to Lahonton Regional Water Quality Control Board at the end of the month addressing ground water contaminants at the Bishop Landfill and remediation which is a corrective action plan for dealing with those contaminants. Ms. Jean Turner, Director of Health and Human Services, provided additional information concerning an item she discussed during last weeks meeting regarding privatization of the Medi-Cal eligibility program. She reported that it looks like the privatization option has been taken off the table and is no longer being considered.
- Emerg. Serv./Oak Creek Mud Flows Moved by Supervisor Pucci and seconded by Supervisor Arcularius to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.
- Resol. 2012-31/
Payroll Change
from Semi-Monthly
to Bi-Weekly Supervisor Pucci thanked the Auditor and her staff for the work that had been done to make the transition from a semi-monthly to a bi-weekly payroll as easy and as painless as possible for the employees. He went on to thank the employees for their understanding and cooperation concerning the change in payroll, explaining that this change was not something the County chose to do, it was being required because of new FSLA laws governing overtime. On a motion by Supervisor Pucci and a second by Supervisor Arcularius, Resolution No. 2012-31 titled "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Changing the Pay Period for County Employees from Semi-monthly to Bi-Weekly" was approved: motion unanimously passed and adopted.
- P.W./Owenyo Service Contract Amendment Moved by Supervisor Pucci and seconded by Supervisor Arcularius to approve Amendment No. 6 to the Contract between the County of Inyo and Owenyo Services for the operation and maintenance of the Independence, Laws, and Lone Pine town water systems, extending the term through October 31, 2012 and increasing the total contract amount not to exceed to \$1,727,094.23, contingent upon the Board's adoption of a FY 2012-13 budget; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
- P.W./So Inyo Airport Advisory Board Appts. Moved by Supervisor Pucci and seconded by Supervisor Arcularius to appoint Mr. Martin Powell, Ms. Beverly Vander Wall, Mr. Jack Berry and Mr. Richard Gering to the Southern Inyo Airport Advisory Committee to complete four year terms ending June 1, 2016. Motion carried unanimously.
- Resol. #2012-32/
Local Flood
Emergency The County Administrator provided a brief synopsis of the events which led to his declaration of a local emergency as a result of severe weather in the month of August that led to flooding in the eastern portion of the County that damaged and/or destroyed County roads in the area. The County Administrator discussed with the Board the options available to the Board to get this local emergency declared a State emergency which would be required in order to access State funds to repair the Roads. He explained that the County will be refining the cost estimates for repairing the roadways focusing on meeting the Federal dollar threshold of \$750,000 in the hopes that the Governor would be more likely to declare the State emergency in order to access federal money for the repairs.

Mr. Carunchio went on to provide revised language for the resolution to update the draft to more accurately reflect the current status of the emergency. The changes he recommended were as follows:

(a) amend paragraph three to reflect 40 to 50 miles of portions of Saline Valley Road to reflect the damage done to both the southern portions and northern portions of the road instead of the original 20 to 25 miles of road identified which was only for the northern portions of the road;

(b) add a fifth paragraph as follows: Whereas the lack of access to historic borrow pits that are now located inside of the Death Valley National Park means that access to materials to repair these roads is not available and unless the County is able to identify borrow pits outside and adjacent to the Park that can be certified as weed free, the materials will have to be hauled over long distances at tremendous cost;

(c) add another paragraph after the paragraph that references Death Valley Road and other County Highways as follows: Whereas some of the other roads in the eastern part of Inyo County that sustained damage as a result of the severe weather have been identified as Bonny Clair Road, a Federal Road, Nadeau Road and Indian Ranch Road; and

(d) the second to the last paragraph on page two, change the date for the Board to review the need to continue the emergency to September 11, 2012.

Mr. Doug Wilson, Interim Public Works Director, and Mr. Bob Brown, Road Superintendent, provided specific information regarding the damage to the various roads and the estimated costs to repair the damages. The Board and staff also discussed access to borrow pits, the lack of material in the borrow pits inside the Park because of NPS restrictions, and the work schedule for the Road Department, including an aggressive 1B projects list.

Moved by Supervisor Cervantes and seconded by Supervisor Cash to approve Resolution No. 2012-32, titled "A Resolution of the Board of Supervisors, County of Inyo, State of California, Confirming and Ratifying the Declaration by the Director of Emergency Services for the County of Inyo, Proclaiming the Existence of a Local Emergency" as amended, relating to severe thunderstorms which swept over eastern portions of Inyo County throughout the month of August, with the most violent storms occurring on August 21st and 22nd, 2012, and resulting in torrential rains and flash-flooding in the eastern portions of Inyo County; and B) authorize the County Administrator or his designee to make revisions to the resolution, as appropriate to reflect more information or if requested by the Office of Emergency Services, and to proceed in executing the resolution without further review by the Board. Motion carried unanimously.

BofS/Carson and Colorado Update on Slim Princess Repairs

Mr. Randy Babcock, representing the Carson & Colorado Railroad updated the Board on the work being done to restore the Slim Princess. He briefly talked about financing for the project including fund raising efforts. He invited the Board to the upcoming Annual BBQ at the Independence Park on September 22nd and introduced volunteers that were in the audience.

DA/Position Request

Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the position exists as certified by the District Attorney and concurred with by the County Administrator and the Auditor-Controller; B) where internal candidates meet the qualifications for the position of Deputy District Attorney, the position could possibly be filled through an internal recruitment, however, an open recruitment is more appropriate to ensure the position is filled with the most qualified applicant; and C) approve the hiring of one Deputy District Attorney I at Range 76 (\$4,768 - \$5,796), II at Range 79 (\$5,115 - \$6,220), III at Range 82 (\$5,503 - \$6,681) or IV at Range 85 (\$5,919 - \$7,195), depending upon qualifications. Motion carried unanimously.

Probation/Position Request

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 position exists, as certified by the Chief Probation Officers and concurred with by the County Administrator and the Auditor-Controller; B) where internal candidates meet the qualifications for the position of B-Par Group Counselor, the position could be filled through a closed Countywide recruitment; and C) approve the hiring of one part-time B-Par (20-29 hrs. per week) Group Counselor I at range 062 PT (\$18.36 to \$22.33/hr.). Motion carried unanimously.

Planning/Forest Serv. Predecisional Admin Review Process	The Planning Director, Mr. Josh Hart, provided additional information and further explanation regarding the request for the Board to provide direction to staff regarding the Forest Service's Proposed Project-level Predecisional Administrative Review Process. The Board expressed concern with the lack of coordination, the restriction on the number of pages to 30 pages, the actual purpose of this rule, where the County is positioned in this process, who benefits from the review, and who makes the decision. County Counsel explained that this is replacing a process where you are asking that the objections you raised in the EIR process are elevated to the next level of decision maker and when you get to this point you are reserving your right to sue. He likened this process to the one that the County just followed with regard to a BLM decision wherein they said here is our decision, we said we don't agree and we want it reviewed by a higher authority. The Board continued to discuss this issue with the Board expressing a desire to ask and have their questions answered by the Forest Service. The Board directed staff to invite Mr. Ed Armenta, Inyo Forest Supervisor, to next week's Board meeting to discuss with the Board this and other Forest Service issues, which have recently come to the attention of the County, and further directed staff to prepare draft correspondence commenting on the Forest Service's Proposed Project-level Predecisional Administrative Review Process, per today's discussion, to be considered at next week's Board of Supervisors meeting.
Rd. Dept./Road Closures	Moved by Supervisor Pucci and seconded by Supervisor Cash to approve the temporary closure of the following roads: Barlow Lane on September 5 and 6, 2012, See Vee Lane on August 28 and 29, 2012, and September 11 and 12, 2012; and the ratification of the closure of Barlow Lane on August 9, 2012; and allow the Road Commissioner to approve modification of the road closure dates contingent upon unforeseen circumstances such as storms, equipment failures, or availability of asphalt plant. Motion carried unanimously.
Integ. Waste/Water Truck Purchases	Moved by Supervisor Cash and seconded by Supervisor Pucci to authorize the purchase of two 2012 Ford F-750 Water Sprayer Trucks in the amount of \$151,520.58 (price includes taxes and other fees) from Valew Quality Truck Bodies, contingent upon the Board's adoption of a FY 2012-13 budget; and authorize the County Administrator or his designee to execute all related purchase documents as required. 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 of A) the Special Meeting of August 8, 2012; and B) the Regular Meeting of August 14, 2012. Motion carried unanimously.
Board Members and Staff Reports	The Board Members reported on their activities during the preceding week, including a legislative update, an ESAAA Senior update meeting, and a Sustained Action Coalition Meeting in Sacramento. The Chairperson postponed further reports to later in the meeting to facilitate the ESAAA Public Hearing on the Area Plan for Services.
Recess Reconvene	The Chairperson recessed the regular meeting at 11:00 a.m., to reconvene in open session at 11:07 a.m., with all Board Members present.
HHS-ESAAA/Area Plan for Services	The Chairperson opened the public hearing at 11:07 a.m., on the Eastern Sierra Area Agency on Aging 2012-2016 Area Plan for Services for Planning and Services Area 16 (Inyo and Mono counties). Ms. Jean Turner, Director of Health and Human Services and ESAAA reviewed the comments that were made during yesterday's mandatory public hearing before the ESAAA Advisory Council. Ms. Turner commented that today's hearing was a courtesy the Inyo County Board of Supervisors had extended to the public to have a second opportunity to address the delivery of senior services in Inyo and Mono counties. The Board and staff discussed the comments in detail and at length with the following topics being discussed: <ul style="list-style-type: none"> (a) a history of the change in administration from IMAAA to ESAAA; (b) Plan requirements and setup; (c) senior needs in the Benton area, including clarification on the misrepresentation by Mono County regarding its intentions concerning the Benton Senior Center (see attached verbatim comments read into the record from the February 2, 2009 IMAAA Governing Board Meeting wherein Supervisor Hazard clearly states his intentions to see the Benton Senior Center demolished and the one person utilizing the facility for congregate meals relocated to the Community Center);

(d) the differences in the costs of meals between Inyo and Mono counties which are \$8.90 and \$19.30 respectively, with the difference in costs being attributed to the use of part-time non-benefitted personnel in Inyo vs. the use of full-time benefitted personnel in Mono;

(e) nutritional prerequisites for the meals provided through the program that requires a certified dietician who is responsible for ensuring that the meals meet the Federal nutritional guidelines for senior meals;

(f) that menus are set for all of the sites throughout the region by the dietician and any exceptions have to be approved by the dietician before there are any substitutions made;

(g) a need to investigate the over use of starchy foods for many of the meals provided;

(h) the dollar amount the program has to provide congregate meals, which is a little over \$215,000 this year;

(i) that it is a policy decision by each County to augment its senior services in order to maintain current service levels;

(j) efforts to ensure that Mono County will continue to provide subcontract senior meals services for their senior citizen's and plans for continuation of services should that not be the case;

(k) that Title 22 of the California Code of Regulations, Section 7310, requires the program to provide services to the lowest income seniors irrespective of the residency county and that the Eastern Sierra is considered a "region" not individual counties;

(l) changes to the Plan regarding the table from the CA Dept. of Aging's website showing zeros for some senior services in Mono County, wherein a subsequent table from the CA Dept. of Health Services showing Medi-Cal beneficiary statistics will be inserted along with a paragraph explaining that the zeros reflected by the Dept of Aging are done so because of numbers in the three smallest population counties, including Mono, being so low that the Dept. of Aging wanted to protect the confidentiality and identity of the users;

(m) the need to ensure that Mono County is represented on the Advisory Council, with an explanation by the County Administrator detailing the efforts that have been made by he and Ms. Turner to assure Mono County that Inyo County and the ESAAA Program will work within Mono County's processes to confirm their nominees;

(n) that Inyo County has budgeted \$95,000 of its General Fund dollars to augment the Regional Administration of the ESAAA Program, irrespective of the more that \$500,000 dollars that is proposed for the IC Gold Program targeting Inyo County senior services; and

(o) the need to provide more in depth needs assessment data for minorities in the region.

Members of the Advisory Council, Mr. Roger Rasche and EvelynMae Nikolaus addressed the Board identifying the need for Mono County senior representation on the Advisory Council and the quality of the meals provided respectively. The Chairperson closed the public hearing at 12:22 p.m.

Moved by Supervisor Cash and seconded by Supervisor Arcularius to approve the Eastern Sierra Area Agency on Aging 2012-2016 Area Plan for Services for Planning and Services Area 16 (Inyo and Mono counties) as amended to add the Medi-Cal Table plus a paragraph describing where the data came from and clarifying what the zeros mean on page two and attaching the full table in Attachment C. Motion carried unanimously.

Recess/
Reconvene

The Chairperson recessed the regular meeting at 12:25 p.m., to reconvene in open session at 1:35 p.m., with all Board members present.

- Board Members and Staff Reports The Chairperson continued the Board Members and Staff Reports portion of the meeting with the remaining Board Members reporting on an Interagency Visitor's Center Meeting, notice that the Southern Inyo Hospital Parking Lot Paving Project is proceeding, a Fire Safe Council Meeting in Independence, an invitation to the Board to attend the upcoming Mt. Whitney Fish Hatchery Annual BBQ on Thursday, September 6th, announcement of the upcoming Bristlecone Visitor's Center Opening Ceremonies this Saturday, congratulations to the Bishop Chamber of Commerce on its 100th Anniversary, and notification of the retirement of the Independence Fire Chief, Mark Felton. The County Administrator informed the Board that the Budget Binders are being distributed this afternoon.
- 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 1:45 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 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. 18. **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. 19. **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. 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 of Child Support Services Susanne Rizo, 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 Probation Peace Officers Association (ICPPOA) – Negotiators: CAO Kevin Carunchio and Labor Relations Administrator Sue Dishion; and No. 22. **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 5:20 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 5:20 p.m., to 9:00 a.m., Tuesday, September 4, 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

Attachment

IMAAA Governing Board Meeting – February 2, 2009

Hap Hazard Board report regarding the Benton Senior Center:

Hap Hazard - “Because our next meeting isn’t until April, our Board had this discussion, but we have not had this discussion yet, I wanted to let you guys know so we can kind of squelch rumors and you guys can all hear it here and take it back to Advisory if rumors start. Mono County has engaged in capital improvements assessments recently. We’ve inventoried countywide facilities and buildings and structures we own. We’ve done a condition assessment on those buildings and what kind of repairs need to be done on them. We’re doing a needs assessment with our communities right now, and our mid-year budget review. The Board will probably be taking some actions on where we’re going to go with capital improvements and deferred maintenance. Having said that, one of the items that’s already been identified in our inventory and our condition assessment has been the Benton Senior Center. That building is a modular. It does not have adequate handicap access, paved parking lots. It’s in terrible condition, it would cost more to refurbish that it would to replace it. As we go through, my recommendations are at this point, barring some other pieces of information, or barring Board direction, is going to be to recommend that that building be torn down, hauled out of there and burned down in the closest spot that we can get rid of it. I have remove our folks and move them over to the community center. I’ve got literally on the basis of this, besides the expenses and problems with the building, I’ve got literally one IMAAA employee picking up one senior to drive over there and have lunch and take him home. That does not justify the expense of building, so my recommendation is that we get rid of that building and not replace it, simply relocate the lunch program, the one person or two to the community center building, which is appropriate and services”.

Bev Brown – “There’s lots of people that live out there, they don’t want to go have lunch?”

Hap Hazard – “The services they need are not lunches, ok? They need in-home supportive services”.