



County of Inyo Board of Supervisors

September 11, 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, September 11, 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 Arcularius led the Pledge of Allegiance.

Public Comment The Chairperson announced the public comment period. Ms. Ann-Jeanette Jewett of Independence addressed the Board to voice her concern about the condition of the trees on the County's right-of-way. She said the trees were dying because they are not being cared for. She said there used to be a policy the County followed concerning how the trees were handled and asked that something be done. She went on to protest a new Probation Policy that administers random drug testing to those on probation. She said that often times those on probation don't have the means to immediately travel to the Probation office in Bishop for the testing and failure to show results in the person being "violated" and returned to the Jail. She said this is an unfair situation for a very vulnerable segment of society that she feels needs help. Mr. Frank Loder of Independence addressed the Board to express his concern about the condition of the south fork of Oak Creek. He said that LADWP equipment that has been traveling on that road has chewed up the road and that it is in pretty bad shape. He asked that LADWP be made to repair the damage their equipment has caused.

County Department Reports The Chairperson announced the County Department Report period. Ms. Kammi Foote, Clerk-Recorder, reported on the Clerk-Recorders Annual Conference she had attended. Dr. Bob Harrington, Water Director, provided the Board with a copy of the Agenda for the upcoming Inyo County Water Commission Meeting, noting that there will be a discussion regarding the McNally Ponds Mitigation Project. He explained that DWP has informed the Technical Group that they are going to request a reduction in the amount of water being supplied to the Pond and it can only be reduced with the consent of the Board of Supervisors. Ms. Jean Turner, Director of Health and Human Services, provided an update on the 4E Waiver issue.

Forest Service/Update Mr. Ed Armenta, Inyo Forest Supervisor, addressed the Board regarding the Forest Service's Ecological Restoration Leadership Intent document. Mr. Armenta and the Board discussed the project, with the Board once again expressing its concern that the County was not coordinated with on this subject in advance of the documentation being released to other organizations. Mr. Armenta provided the Board with a copy of the Inyo County Forest draft saying that the document has not been released and noting that he was providing it to the Board in advance of its release. The Board noted that the County would have liked to help draft the document under coordination rather than being relegated to a responder's position. The Board and Mr. Armenta continued to discuss the Ecological Restoration project along with status of the tree remove at Devil's Postpile, sage grouse habitat, the Forest Plan Revision, and the Bristlecone Visitor's Center opening.

Emerg. Serv./Oak Creek Mud Flow Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.

E. Hlth./Water Lab Supplies P.O. Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to declare IDEXX Laboratories, Inc., a sole-source provider of certain water laboratory supplies for FY 2012-13; and authorize the purchase of water testing supplies through a blanket purchase order to IDEXX Laboratories, Inc., in an amount not to exceed \$12,000 for FY 2012-13. Motion carried unanimously.

- HHS-Inyo First 5/
School Readiness
Contract
- Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to approve and ratify the Contract between the County of Inyo and Toiyabe Indian Health Project for the provision of School Readiness Services for the period of July 1, 2012 through June 30, 2013, in an amount not to exceed \$48,000, contingent upon the Board's adoption of a FY 2012-13 budget; and authorize the Chairperson to sign. Motion carried unanimously.
- HHS-Inyo First 5/
Child Development
and Family
Strengthening
Contract
- Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to approve and ratify the Contract between the County of Inyo and Lone Pine Unified School District for the provision of family strengthening and child development services for the period of July 1, 2012 through June 30, 2013, in an amount not to exceed \$27,000, contingent upon the Board's adoption of a FY 2012-13 budget; and authorize the Chairperson to sign. Motion carried unanimously.
- HHS-Hlth. Serv./
Public Health
Preparedness
- Moved by Supervisor Arcularius and seconded by Supervisor Cash to approve and ratify the Agreement between the County of Inyo and the California Department of Public Health for the provision of local public health emergency preparedness for the period of July 1, 2012 through June 30, 2013, in the amount of \$304,801, contingent upon the Board's adoption of a FY 2012-13 budget; and authorize the Chairperson to sign; and approve the Non-supplantation Certification form and authorize the Director of Health and Human Services to sign. Motion carried unanimously.
- HHS-Soc. Serv./
Stage I Child Care
Services Contract
- Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to approve and ratify the Contract between the County of Inyo and the Inyo County Superintendent of Schools for the provision of Stage I Child Care Services, for the period of July 1, 2012 through June 30, 2013, in an amount not to exceed \$125,000, contingent upon the Board's adoption of a FY 2012-13 budget; and authorize the Chairperson to sign. Motion carried unanimously.
- Rd. Dept./Plant
Mixed Asphalt
Products P.O.
- Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to award the bid to and approve the Contract between the County of Inyo and Granite Construction, for the purchase of plant mixed asphalt products for the period of September 10, 2012 through December 31, 2012, in an amount not to exceed \$980,570 (including sales tax), 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.
- Emerg. Serv./
August 2012 Flood
- The County Administrator updated the Board on the status of the local emergency which was proclaimed as a result of flooding during the month of August 2012 in the eastern portion of the County. He explained that damage estimates were still being made and requested that this emergency be continued on a bi-weekly basis until further notice. Moved by Supervisor Cervantes and seconded by Supervisor Cash to continue the local emergency as a result of the flooding in the eastern portion of Inyo County during the month of August 2012, per Resolution #2012-32. Motion carried unanimously.
- CAO-Info. Serv./
Verizon Landline
Telephone and
Related Services
Contract
- The Director of Information Services, Mr. Brandon Shults, provided additional information regarding the difference between the three year contract originally being requested to be approved and a one year contract, which staff is proposing, with Verizon for landline phone service. He explained the costs and the risks associated with each of the time frames for the contract. He and the Board talked about the outdated services provided by Cassie voice mail and the new VOIP Program, as well as the timing for the implementation of the new system and the cancellation clauses. Moved by Supervisor Cash and seconded by Supervisor Arcularius to accept the arrangement with Verizon for landline telephone service and related services (such as voice mail) for the one year period of July 25, 2012 through July 25, 2013, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign. Motion carried unanimously.
- CAO-Personnel/
Willdan Contract
Amendment
- Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to approve Amendment #3 to the Contract between the County of Inyo and Willdan Engineering for the provision of professional engineering and management services as the Acting Director of Public Works, increasing the amount of the Contract by \$200,000 to an amount not to exceed \$689,000 for the period ending March 31, 2013, contingent upon the Board's adoption of an FY 2012-13 budget; and authorize the Chairperson to sign. Motion carried unanimously.

Auditor/Gallina Contract	Moved by Supervisor Cash and seconded by Supervisor Arcularius to declare Gallina LLP, CPAs as a sole-source provider of auditing services and approve the Contract between the County of Inyo and Gallina LLP, CPAs for the provision of audit services for the County for the fiscal years ended(ing) June 30, 2013, 2014, 2015, for the period of July 1, 2012, through June 30, 2015, in an amount not to exceed \$239,100, 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-Mental Hlth. Serv./MHSA Plan Update	Moved by Supervisor Cash and seconded by Supervisor Pucci to approve the MHSA 12/13 Plan Update in order to access funds in the areas of Community Services and Supports (CSS), Prevention and Early Intervention (PEI), Capital Facilities Technological Needs (CTFN) and Workforce Education and Training (WET) funds under the approved MHSA Agreement and authorize the Behavioral Health Services Division Director to sign. Motion carried unanimously.
HHS-ESAAA/ Update	The Board received a program update from Ms. Jean Turner, Director of Health and Human Services and Executive Director of the Eastern Sierra Area Agency on Aging (ESAAA). Ms. Turner advised the Board of a situation that has arisen regarding the contract for ombudsman services. She explained that two proposals had been received and that one of the organizations had requested an appeal of staff's recommendation, which had been based on a five member panel scoring the proposals independently. Ms. Turner confirmed that the organization requesting the appeal would be notified of when the Board was going to consider the contract so that they could be present to make their comments. Ms. Turner also advised the Board that she would be bringing forward the contract for legal services that also has some issues which will be discussed with the Board when the contract is being considered. Ms. Turner noted that with regard to the two contracts the County had received well qualified responses so that whatever choice is made there are good options with these responders. Ms. Turner went on to report on items specific to the Inyo County Program, i.e., the IC Gold program, a future workshop on policy issues, the status of the Christmas Holiday Dinner, and updated the Board on meal substitutions, which must have the registered dietician's approval. Ms. Turner also updated the Board on the status of the offer to Mono County to continue to be a subcontractor to provide senior services to its seniors. She talked about the contingency plans which have been developed to ensure that the seniors in Mono County will receive their meals regardless of which entity provides the services. The Board and Ms. Turner discussed the need to provide the seniors with a record of the actions and the discussions of the ESAAA Governing Board without expecting them to wade through the Board of Supervisors minutes, with Ms. Turner suggesting that she provide a written chronology of the events that have transpired. The County Administrator suggested that possibly the chronology could be provided as a flyer or newsletter that is included with the meals. The Board and Ms. Turner continued to discuss the role of the Governing Board and its desires to ensure that seniors will continue to receive uninterrupted services, the importance of communicating with the seniors to keep them engaged in the process, and the fact that Inyo County's budget includes \$93,000 of County funds for the administration of the Regional Program. Supervisor Cervantes left the meeting at 11:40 a.m.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 12:00 p.m., to reconvene in open session at 1:00 p.m., with all Board Members present, except Supervisor Cervantes.
P.W./FAA Contract E.S. Airport Lighting Vault Improvement	The Interim Public Works Director, Mr. Doug Wilson, provided additional information and further justification for the approval of the Airport Lighting Vault Improvement Project contract. He also requested that the approval include authorizing the Interim Director to sign change orders as permitted by law. Moved by Supervisor Cash and seconded by Supervisor Pucci to approve the Agreement between the County of Inyo and the FAA for Airport Improvement Program Project for the construction of the Eastern Sierra Regional Airport – Airport Lighting Vault Improvements in the amount of \$352,877, contingent upon review and approval of the agreement by County Counsel and the Board's adoption of a FY 2012-13 budget; and authorize the Interim Public Works Director to sign, contingent upon the appropriate signatures being obtained; and authorize the Interim Public Works Director to execute all other Contract documents, including Contract change orders, to the extent permitted by Public Contract Code Section 20142 and other applicable law. Motion carried unanimously, with Supervisor Cervantes absent.

P.W/County Trash Service Contract	The Interim Public Works Director, Mr. Doug Wilson, provided additional information and further explanation regarding the request to extend the current trash service contract for County facilities. He also reviewed the proposed RFP for the service including the recycling component. The Board and staff discussed this contract and how the recycling component might be accomplished both within and outside of this contract. Moved by Supervisor Cash and seconded by Supervisor Pucci to ratify the purchase order to Preferred Septic and Disposal, Inc., to provide trash disposal and recycling services at County buildings and facilities at the current monthly rate of \$2,959.52 in an amount not to exceed \$36,000 for the period of expending the amount of the Contract or until a new Contract for these services is awarded. Motion carried unanimously, with Supervisor Cervantes absent.
Planning/Draft Energy Action Plan	Ms. Cathreen Richards, Associate Planner, presented the Draft Energy Action Plan. The Board and staff discussed the Plan.
BofS/Minute Approval	Moved by Supervisor Pucci and seconded by Supervisor Cash to approve the minutes of the Board of Supervisors Meetings of A) August 21, 2012 and B) August 28, 2012. Motion carried unanimously, with Supervisor Cervantes absent.
Board Members and Staff Reports	The Board Members reported on their activities during the preceding week including the BrightSource General Plan Meeting, the CSAC Board Meeting, an SNC Meeting, a Big Pine Civic Club Meeting, the Friends of Mt. Whitney Fish Hatchery BBQ, and a Unified Command Meeting. The County Administrator reported on a Personnel Directors meeting he had attended, where they discussed pension reform and the impacts of Federal health care reform.
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 2:50 p.m., to convene in closed session with all Board Members present, except Supervisor Cervantes, to discuss and take action as appropriate on Agenda Items No. 21. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [PURSUANT TO GOVERNMENT CODE §54956.9(a)] – Robert Raymond v. Kammi Foote , United States District Court Eastern District of California Case No. 1:12-CV-01407-AWI-JLT; No. 22. 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. 23. 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. 24. 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. 25. 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. 26. 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. 27. 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; and No. 28. REAL PROPERTY NEGOTIATIONS [CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE §54956.8] – Property - APN No. 001-104-09, 512 N. 2 nd Street, Bishop, California - Negotiating Parties: County Administrator, HHS Director and Interim Public Works Director - Negotiations: Terms and Conditions.

Report on Closed Session

The Chairperson recessed closed session at 4:40 p.m., to reconvene in open session to receive a report on closed session. County Counsel reported that with regard to Agenda Item No. 21. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [PURSUANT TO GOVERNMENT CODE §54956.9(a)]** – *Robert Raymond v. Kammi Foote*, United States District Court Eastern District of California Case No. 1:12-CV-01407-AWI-JLT, the Board in a unanimous vote, with Supervisors Arcularius, Cash, Pucci and Fortney voting yes, and with Supervisor Cervantes absent, authorized the Office of County Counsel to defend and indemnify the Clerk Recorder, Kammi Foote and directed County Counsel to defend the County in this matter.

Adjournment

The Chairperson adjourned the regular meeting at 4:40 p.m., to 9:00 a.m., Tuesday, September 25, 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