

MINUTES

County of Inyo Board of Supervisors

November 6, 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, November 6, 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. Mr. Mark Bagley representing the Sierra Club and the Owens Valley Committee, addressed the Board to provide comments on the McNally E/M Project. He talked about DWP unilaterally deciding to not provide water to the project this year; he took issue with DWP's interpretation of the Long Term Water Agreement meaning of "consecutive dry" years; he said that he believes the Inyo County Water Department is agreeing with DWP and it should not; and he requested the Board not approve changes to the project.
- County Department Reports The Chairperson announced the County Department Report period. The Planning Director, Mr. Josh Hart, reported on the Yucca Mountain Audit and notified the Board of a NASA grant which has been obtained for a joint project in the southeast portion of the County to study groundwater. Mr. Brandon Shults, Information Services Director, reported on the Eastern Sierra Consortium for Broad Band forum he had attended. Mr. Doug Wilson, Interim Public Works Director, reported on the Sabrina Bridge Project and the Coso Road Paving Project, he also reported that the quake finder equipment has been installed on the County's property in Big Pine and that the work on the Bishop Library Re-Roofing Project has begun. Ms. Jean Turner, Director of Health and Human Services, reported on a visit from Anthem on the MediCal Managed Care insurance program. Mr. Jeff Thomson, Chief Probation Officer, informed the Board that the County had not been selected to receive the "pretrial assistance grant."
- Introduction Mr. Kenneth Bradfute, Network and Operations Analyst in Information Services, was introduced to the Board.
- Emerg. Serv./Oak Creek Mud Flows Moved by Supervisor Cervantes and seconded by Supervisor Pucci to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.
- Public Defender/Ibrahim Contract Moved by Supervisor Cervantes and seconded by Supervisor Pucci to approve the Contract between the County of Inyo and Jeremy Ibrahim for the provision of professional services as a Public Defender (Misdemeanors – North County) for the period of January 1, 2013 through December 31, 2015 in an amount not to exceed \$399,000, 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.
- Rd. Dept./Nielsen's Contract Moved by Supervisor Cervantes and seconded by Supervisor Pucci to approve Amendment No. 1 to the Contract between the County of Inyo and Nielsen's Equipment Maintenance for the purchase and installation of routine and emergency communication equipment, amending the scope of work and schedule of fees and increasing the Contract by \$6,000 to a total not to exceed \$91,000, and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
- Sheriff/Position Request 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 positions comes from the General Fund, as certified by the Sheriff and concurred with by the County Administrator, and the Auditor-Controller; B) where internal candidates meet the qualifications for the position of Correctional Officer, the positions could possibly be filled through an internal recruitment, however, an open recruitment would be more appropriate to ensure the positions are filled with the most qualified applicants; and C) approve the hiring of two Correctional Officers at Range 64 (\$3,590 – \$4,363). Motion carried unanimously on a four-to-zero vote, with Supervisors Arcularius, Pucci, Fortney and Cervantes voting yes and with Supervisor Cash abstaining.

Rd. Dept./Diesel Tractor Trucks P.O. Moved by Supervisor Arcularius and seconded by Supervisor Cash to approve the purchase of two CARB compliant diesel tractor trucks from Charters Sales Company in the amount of \$88,531.29 each, including sales tax, DMV and documentation fees. Motion carried unanimously.

HHS-ESAAA/
Ombudsman
Services Contract to
be Provided In-
House Ms. Jean Turner, Director of Health and Human Services, and Executive Director of the Eastern Sierra Area Agency on Aging, provided additional information and further explanation regarding the request for direction on whether to redistribute an RFP for Ombudsman/Elder Abuse Prevention Services or to move forward with a pilot program to provide those services through the County's Health and Human Services Department. She corrected the Agenda Request Form, explaining that the first paragraph on page two should reflect a yearly contract not a yearly RFP. Ms. Turner reviewed the results of the State's findings in the Appeal of the previous RFP for these services. The Board and staff discussed the pros and cons of the two options, including bringing the services, including the requirements for volunteers in-house. Supervisor Cash did not agree with the recommendation to bring these services in-house. The Board discussed the need to ensure that the job description for the supervisor position of the volunteer portion of the program detail performance outcome expectations. The Board and Ms. Turner also discussed how the reporting on this program would be accomplished.

Moved by Supervisor Arcularius and seconded by Supervisor Pucci to direct staff to move forward with a pilot plan to provide Ombudsman/Elder Abuse Prevention Services with HHS staff, beginning April 1, 2013 through June 30, 2016 and beyond, contingent upon outcomes, and including: (a) increasing the authorized strength by adding one Human Services Supervisor at Range 66 (\$3,757 - \$4,574); and (b) find that consistent with the adopted Authorized Position Review Policy, (i) the availability of funding for the requested position exists, as certified by the Health and Human Services Director and concurred with by the County Administrator, and the Auditor-Controller; (ii) where internal candidates meet the qualifications for the position of Human Services Supervisor, the position could be filled through an internal recruitment, however, an open recruitment would be more appropriate to ensure qualified applicants apply; (iii) approve the hiring of one Human Services Supervisor at Range 66 (\$3,757-\$4,574); (c) authorize extending the existing interim contract for Ombudsman services through March 31, 2013, in the amount of \$20,236, for a total amount not to exceed \$40,236; and (d) authorize the development of specific performance outcomes, and reporting periods, to be brought back for Board consideration prior to the end of this calendar year. Motion carried on a four-to-one vote, with Supervisors Arcularius, Pucci, Fortney and Cervantes voting yes, and with Supervisor Cash voting no.

HHS-Soc. Serv./
Position Request Moved by Supervisor Arcularius and seconded by Supervisor Cervantes 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 Health and Human Services Director and concurred with by the County Administrator, and the Auditor-Controller; B) where internal candidates meet the qualifications for the position of Social Worker, the position could be filled through an internal recruitment, however, an open recruitment would be more appropriate to ensure a sufficient number of qualified applicants apply, if one is not found on an existing list; and C) approve the hiring of one Social Worker II at Range 64 (\$3,590 – \$4,363) or III at Range 67 (\$3,852 – \$4,676), contingent upon qualifications. Motion carried unanimously, on a four-to-zero vote, with Supervisors Arcularius, Pucci, Fortney and Cervantes voting yes, and with Supervisor Cash abstaining.

HHS-Behavioral
Hlth. Serv./Position
Request Moved by Supervisor Pucci 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, in the Mental Health Budget, as certified by the Health and Human Services Director and concurred with by the County Administrator, and the Auditor-Controller; B) where internal candidates meet the qualifications for the position of Account Technician, the position could possibly be filled through an internal recruitment, however, an open recruitment would be more appropriate to ensure qualified applicants apply; and C) approve the hiring of one Account Technician I at Range 55 (\$2,910 – \$3,537) or II at Range 59 (\$3,194 – \$3,880), or III at Range 63 (\$3,502 – \$4,261) depending upon qualifications. Motion carried unanimously on a four-to-zero vote, with Supervisors Arcularius, Pucci, Fortney and Cervantes voting yes, and with Supervisor Cash abstaining.

HHS-Soc. Serv./ Position Request	Moved by Supervisor Pucci 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, in the Social Services Budget, as certified by the Health and Human Services Director and concurred with by the County Administrator, and the Auditor-Controller; B) where internal candidates meet the qualifications for the position of Account Technician, the position could possibly be filled through an internal recruitment, however, an open recruitment would be more appropriate to ensure qualified applicants apply; and C) approve the hiring of one Account Technician I at Range 55 (\$2,910 – \$3,537) or II at Range 59 (\$3,194 – \$3,880), or III at Range 63 (\$3,502 – \$4,261) depending upon qualifications. Motion carried unanimously on a four-to-zero vote, with Supervisors Arcularius, Pucci, Fortney and Cervantes voting yes, and with Supervisor Cash abstaining.
HHS-ESAAA/Issues Update	Ms. Jean Turner, Director of Health and Human Services and Executive Director of ESAAA, updated the Board on ESAAA issues, including providing the upcoming meeting schedule at the various congregate meal sites and informing the Board that the respondent that had been found by the Board to have a conflict with regard to the Legal Assistance Contract has requested an appeal of that decision. Ms. Turner explained the process and said that the appeal would be coming before the Board in the next couple of weeks.
Planning/DRECP Update	The Planning Director, Ms. Josh Hart, updated the Board on the Desert Renewable Energy Conservation Plan.
Water Dept./Reps to Standing Committee Director on Agenda	Dr. Harrington, provided the Board with copies of the most recently revised version of the Standing Committee Meeting Agenda. The Board and staff discussed the items on the agenda for the upcoming November 8, 2012 Standing Committee Meeting in Los Angeles in detail and at length including an extensive discussion on LADWP's request concerning the McNally Ponds E/M Project. A motion was made, seconded and withdrawn by Supervisors Cash and Cervantes that the Board of Supervisors not authorize reductions in water to the McNally Ponds E/M Project. After the motion was withdrawn, the Board and staff continued to discuss LADWP's request concerning the McNally Ponds E/M Project. Moved by Supervisor Cash and seconded by Supervisor Cervantes that the Board of Supervisors does not agree that temporary operational reductions to the McNally Ponds E/M Project (both the pasture and ephemeral ponds) be enacted to curtail the water supply. Motion carried on a three-to-two vote with Supervisors Cash, Pucci and Cervantes voting yes, and with Supervisors Arcularius and Fortney voting no. At the conclusion of the motion and at the request of Supervisor Pucci, Dr. Bob Harrington, Water Director, provided additional information regarding the location of the pasture land referred to in McNally Ponds E/M Project. As a result of this information a query was made regarding the Board's ability to reconsider the motion, with Supervisor Cash asking County Counsel to provide a report on how Robert's Rules Of Order would handle this type of a situation, to be provided when the Board reconvenes after the lunch recess.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 12:25 p.m., to reconvene in open session at 1:30 p.m., with all Board Members present.
BofS/Minute Approval	Moved by Supervisor Cash and seconded by Supervisor Cervantes to approve the minutes of the Board of Supervisors Meeting of October 9, 2012. Motion carried unanimously. Moved by Supervisor Cash and seconded by Supervisor Cervantes to approve the minutes of the Board of Supervisors Meeting of October 16, 2012. Motion carried unanimously, with Supervisors Arcularius and Pucci abstaining.
Water Dept./Reps to Standing Committee Director on Agenda	With regard to Supervisor Cash's request regarding the reconsideration of a motion, Mr. Randy Keller, County Counsel, explained his research of Roberts Rules of Order says that a motion for reconsideration has to be made by one of the votes on the prevailing side. Mr. Keller also clarified that it is only the motion maker that has to be on the prevailing side, the second to the motion may be made by any member. Moved by Supervisor Pucci and seconded by Supervisor Arcularius to reconsider the previous motion that the Board of Supervisors not agree that temporary operational reductions to the McNally Ponds E/M Project (both the pasture and ephemeral ponds) be enacted to curtail the water supply. Motion carried on a four-to-one vote with Supervisors Arcularius, Cash, Pucci and Fortney voting yes, and with Supervisor Cervantes voting no.

Supervisor Pucci explained that with regard to the action taken by the Board during its previous discussion on the McNally Ponds E/M Project, he had confused the location of the E/M pasture land with Farmer pond, which is also in that area. The Board and Staff went on to continue its discussion regarding LADWP's request that they not be required to provide water to the McNally Canals and the Ponds because of the extremely dry water year. Supervisor Pucci explained that he agrees with the recommendation of the Water Department regarding this E/M Project. The following motion was made to address LADWP's request to the Standing Committee concerning the McNally Ponds Enhancement/Mitigation Project. Moved by Supervisor Arcularius and seconded by Supervisor Pucci that the Board of Supervisors support the findings of the Technical Group that dry-year water shortages exist and finds that LADWP does not need to provide water to the ephemeral ponds portion of the McNally Ponds E/M Project this year, and in the future any request from LADWP for reduction in irrigation to E/M projects be made in writing before the irrigation season and in time for the Board of Supervisors to provide direction to its Standing Committee representatives. Motion carried on a three-to-two vote, with Supervisors Arcularius, Pucci and Fortney voting yes, and with Supervisors Cash and Cervantes voting no.

- CAO-Info Serv./ Status & Goals W/S The Chairperson recessed open session at 1:45 p.m., to convene in a workshop, with all Board Members present, on Information Services status and goals. The Chairperson recessed the workshop at 3:00 p.m., to reconvene in open session, with all Board Members present.
- Child Care Planning Council By-Laws Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to approve the Council Bylaws changing the membership of the Council. Motion carried unanimously.
- Board Members and Staff Reports The Board Members reported on their activities during the preceding week, including the dedication of the new Visitors Center in Death Valley, a Northern Inyo Airport Advisory Committee meeting, the dedication of the Tallman Building at the Tri-County Fairgrounds, a Western Counties Alliance Meeting, and a meeting with the Forest Service regarding the results of the "listening sessions." The County Administrator updated the Board on the long-term disposition Mt. Whitney Fish Hatchery which the SNC has been working on and notification of his authorization for out-of-state travel.
- Public Comment The Chairperson announced the second public comment period. Sheriff Bill Lutze provided further information regarding out-of-state travel of one of his deputies to pick up an explosives detection dog that the Department had been able to acquire through the federal government. He explained that the dog had been in Iraq and Afghanistan, was completely trained, and that Orange County was going to train the County's deputy handler free of charge.
- Closed Session The Chairperson recessed open session at 3:35 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 LEGAL COUNSEL – ANTICIPATED LITIGATION [Pursuant to Government Code §54956.9(C)].** – decision whether to initiate litigation (one case); No. 21. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(a)].** *City of Los Angeles, Department of Water and Power of the City of Los Angeles v. Inyo County Board of Supervisors, et al.*, Inyo County Superior Court Case No. 12908; Blackrock 94 Dispute Resolution; 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: 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 Assistant 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 Child Support Services Susanne Rizo, and 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; and 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.

- Report on Closed Session The Chairperson recessed closed session at 4:45 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 4:45 p.m., to 9:00 a.m., Tuesday, November 13, 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