

MINUTES

County of Inyo Board of Supervisors

November 13, 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 13, 2012, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Marty Fortney presiding, Susan Cash, Rick Pucci, and Richard Cervantes. Supervisor Arcularius was absent. Supervisor Cervantes provided the Invocation, and Supervisor Pucci led the Pledge of Allegiance.

- Public Comment The Chairperson announced the public comment period. Mr. Jim Stroh of Independence addressed the Board to comment on the Town Water System and to provide the Board with a variety of ideas to resolve the issues.
- County Department
Reports The Chairperson announced the County Department Report period. Mr. Jeff Ahlstrom, Managing Landfill Engineer, updated the Board on the status of Solid Waste revenues. He said that the actual revenues are \$178,000 which represents 25% of the projected revenue in this year's budget. He also reported that there is \$48,700 in accounts receivable funds which when combined with the actual revenues sets current revenues at 31% of the projected amount. Mr. Ahlstrom went on to explain that the 31% is about 6% below the 37% that should be reflected at this point in the year. Sheriff Bill Lutze updated the Board on the potential weather event that the County was notified of by the National Weather Service with predictions of hurricane strength winds in Inyo County. Sheriff Lutze reported that in response to the weather alerts issued by the National Weather Service a code red alert notification was deployed and HHS staff prepared for the possibility of opening shelters. He went on to say that while the wind event never materialized the County had taken the appropriate steps to be prepared for the potential emergency and thanked HHS and other County staff for their assistance. Ms. Jean Turner, Director of Health and Human Services, reported on meetings she had attended in Sacramento last week. Ms. Nancy Masters, Library Services Director, reported on the new on-line catalog service being offered in the libraries. She also reported that the Bishop Library re-roofing project is moving forward.
- Introductions The following new Health and Human Services staff members were introduced to the Board: Ms. Wendy Stine, Account Tech, Ms. Cindy Dixon, RN, and Ms. Debra Parker HHS Specialist.
- Emerg. Serv./Oak
Creek Mud Flows Moved by Supervisor Cervantes and seconded by Supervisor Cash to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously, with Supervisor Arcularius absent.
- Emerg. Serv./Procl.
National GIS Day Moved by Supervisor Cervantes and seconded by Supervisor Cash to approve a proclamation declaring November 14, 2012 as National GIS Day. Motion carried unanimously, with Supervisor Arcularius absent.
- CAO-Info. Serv./
Mobile Mast
Antennas P.O. Moved by Supervisor Cervantes and seconded by Supervisor Cash to declare Nielsen's Equipment a sole-source provider of mobile mast antennas and authorize the purchase of one mobile mast antenna from Nielsen's Equipment in an amount not to exceed \$24,100. Motion carried unanimously, with Supervisor Arcularius absent.
- CAO-Info. Serv./
Hand-Held Radio
P.O. Moved by Supervisor Cervantes and seconded by Supervisor Cash to approve the purchase of 60 narrow band hand-held radios with chargers and high gain antennas from Nielsen's Equipment (a previously declared sole-source provider of radios for this fiscal year) in an amount not to exceed \$44,060. Motion carried unanimously, with Supervisor Arcularius absent.

CAO-Adv. Co. Resc./Media Ads	Moved by Supervisor Cervantes and seconded by Supervisor Cash to authorize payment to California Travel Media for two separate ads in an amount not to exceed \$15,517.60 (a one third page ad for \$11,022.80 and a sixth page ad for \$4,494.80) in the 2013 California visitors Guide to take advantage of discounts totaling \$9,902.40. Motion carried unanimously, with Supervisor Arcularius absent.
Library/Holiday Closures	Moved by Supervisor Cervantes and seconded by Supervisor Cash to authorize the closure of library branches on Saturday, November 24, 2012, because of the Thanksgiving holiday. Motion carried unanimously, with Supervisor Arcularius absent.
Assessor/Bertholf and CA Assessors Association Contract	Moved by Supervisor Cervantes and seconded by Supervisor Cash to approve the Contract between the California Assessor's Association, Harold W. Bertholf, Inc. and the Assessor's of eighteen California counties for the provision of a Petroleum and Geothermal Property Sales study for the period of November 1, 2012 through October 31, 2014, in an amount not to exceed \$4,620, contingent upon the Board's adoption of future budgets; and authorize the Assessor to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously, with Supervisor Arcularius absent.
County Counsel/ Conflict Codes	Moved by Supervisor Cervantes and seconded by Supervisor Cash to receive and approve A) the 2012 Conflict of Interest Code Biennial Reports from Local Agencies as recommended; and B) the Conflict of Interest Code for Local Agencies as recommended. Motion carried unanimously, with Supervisor Arcularius absent.
HHS-Behavioral Hlth. Serv./Prior Year Payment	Moved by Supervisor Cervantes and seconded by Supervisor Cash to approve paying Rebekah Children's Services \$1,889.45 for mental health services rendered in FY 11/12. Motion carried unanimously, with Supervisor Arcularius absent.
HHS-Behavioral Hlth. Serv./Prior Year Payment	Moved by Supervisor Cervantes and seconded by Supervisor Cash to approve paying Casa Pacifica \$4,048.30 for mental health services rendered in FY 11/12. Motion carried unanimously, with Supervisor Arcularius absent.
HHS-HIV/AIDS/ State MOU	Moved by Supervisor Cervantes and seconded by Supervisor Cash to approve Amendment No. 2 to the Agreement and MOUs between the County of Inyo and the Department of Public Health for the provision of HIV/AIDS surveillance and HIV care and support services to individuals living with HIV/AIDS or at risk of HIV infection, increasing the overall grant by \$13,259 for a total amount of \$221,739 for the period of July 1, 2010 through June 30, 2013; and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Arcularius absent.
P.W./No. Inyo Airport Advisory Comm. Appointments	Moved by Supervisor Cervantes and seconded by Supervisor Cash to appoint Mr. Jim Marchio, Ms. Eileen Burger and Mr. Dave Patterson to the Northern Inyo Airport Advisory Committee to complete unexpired four year terms ending October 31, 2016. Motion carried unanimously, with Supervisor Arcularius absent.
Rd. Dept./Sabrina Road Closure	Moved by Supervisor Cervantes and seconded by Supervisor Cash to approve the winter closure of Sabrina Road at the end of State Highway 168. Motion carried unanimously, with Supervisor Arcularius absent.
CAO-Info Serv./GIS Workshop	The Chairperson recessed open session at 9:35 a.m., to convene in a workshop, with all Board Members present, except Supervisor Arcularius, on the Geographical Information Services (GIS) status and goals.
Recess/ Reconvene	The Chairperson recessed the workshop and the regular meeting at 10:50 a.m. to reconvene in open session at 11:00 a.m., with all Board Members present except Supervisor Arcularius.
Forest Service/Forest Plan Revision Update	Mr. Ed Armenta, Inyo Forest Supervisor, introduced Ms. Nancy Upham, Inyo National Forest Public Affairs Officer, who updated the Board on the Forest Plan Revision/Update. The Board and Ms. Upham discussed the plan in detail and at length. Mr. Armenta went on to provide an update on other Forest Service issues, explaining that the Kern Plateau is on the back burner.

Planning/Forest Plan Update Coordination	Ms. Tanda Gretz, Senior Planner, updated the Board on the most recent meeting between County Staff and Forest Service Staff on Forest Plan Update/Revision. She said they talked over some of the components of an agreement which the Board had requested be built off the MOA. She said they discussed the science synthesis issues which the County and the Forest Service share concerns that it does not apply to the east side and which may be an area where the organizations can work together. She reported on the peer review process, with the County Administrator asking for more detail. Mr. Hart, Planning Director, said that the County had been informed that the Forest Service will not allow the County to participate in the science synthesis peer review. He said that he is appealing that decision to the Regional Office and explained further that the County is being told the rationale for the decision to not allow the County to participate is that the Forest Service is looking for a very narrow range of people who had published recently, in scholarly journals, on scientific topics in the Sierra. Mr. Carunchio clarified that in meetings last year in Washington DC, senior officials of the Forest Service had confirmed that the County would have the opportunity to have meaningful participation in the peer review process. Mr. Hart explained that he did not believe that the decision to not allow the County to participate is being made at a local level and he will be pursuing the appeal at the Regional level.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 12:05 p.m., to reconvene in open session at 1:00 p.m., with all Board Members present, except Supervisor Arcularius.
Sheriff/Handguns and Ammo P.O.	Moved by Supervisor Pucci and seconded by Supervisor Cash to A) approve the purchase of two Glock Model 23, .40 caliber handguns and eight model 22, .40 caliber handguns from Pro-Force Law Enforcement in the amount of \$3,846.48, including tax and shipping and authorize the sheriff to sign the exemption Certificate (for FET tax); B) approve the purchase of 18 ballistic vests from Adamson Police Products in the amount of \$13,285.58, including tax and shipping; and C) amend the FY 2012-13 Sheriff's General Budget Unit 022700 by increasing estimated revenue in Citizen's Options Public Safety Revenue (<i>Revenue Code #4488</i>) by \$17,133 and increasing appropriations in Personal & Safety Equipment (<i>Object Code #5112</i>) by \$17,133. Motion carried unanimously, with Supervisor Arcularius absent.
Emerg. Serv./D.V. Roadeater Emergency	The County Administrator informed the Board that no new information has been received on this emergency and he is still seeking the Governors concurrence with the declaration. He recommended the Board continue the emergency. Moved by Supervisor Cash and seconded by Supervisor Cervantes to continue the local emergency, The Death Valley Roadeater Emergency, that resulted in flooding in the eastern portion of Inyo County during the month of August 2012, per Resolution #2012-32. Motion carried unanimously, with Supervisor Arcularius absent.
HHS-Soc. Serv./ Position Request	Moved by Supervisor Pucci 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 in the Social Services and Substance Use Disorders (SUD) budgets, 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 Prevention Specialist, the position could 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 Prevention Specialist at Range 60 (\$3,271 – \$3,973). Motion carried on a three-to-one vote, with Supervisors Pucci, Fortney and Cervantes voting yes, with Supervisor Cash abstaining and with Supervisor Arcularius absent.
HHS-ESAAA/Issues Update	Ms. Jean Turner, Director of Health and Human Services and the Executive Director of the Eastern Sierra Area Agency on Aging, reported that the Methodist Church has offered to sponsor this year's holiday dinner. She explained that the dinner is separate from the delivered meals which will be delivered through the Program.
HHS-ESAAA/Legal Assistance Contract Denial Appeal	Ms. Jean Turner, Director of Health and Human Services and the Executive Director of ESAAA, provided a brief review of the denial of the award of the legal assistance contract to California Indian Legal Services (CILS) because of a conflict of interest. Ms. Jasmine Andreas, Staff Attorney for CILS, addressed the Board to provide additional information on why CILS should be awarded the contract. Ms. Andreas said that CILS does not agree with County Counsel's interpretation of the conflict of interest codes, saying that they do not believe it is as black and white as County Counsel is saying it is. She said that CILS believes there is room for the Board to reverse its decision. County Counsel reiterated the statutes and authorities he had previously cited, explaining that there is no authority for the Board to approve a contract when a conflict exists.

Moved by Supervisor Cash and seconded by Supervisor Cervantes to deny the appeal of the California Indian Legal Services (CILS) regarding the Board's decision that the ESAAA Legal Assistance contract could not be offered to CILS because of the existence of a conflict of interest concern. Motion carried unanimously, with Supervisor Arcularius absent.

Planning/Energy
Efficiencies Plan

Ms. Cathreen Richards, Associate Planner, reviewed the request to approve the Final Cost Energy and Service Efficiencies Action Plan. Mr. Jim Stroh of Independence addressed DWP incentives and informed the Board of the installation of his home solar energy generation system that he had designed. Moved by Supervisor Cervantes and seconded by Supervisor Cash to approve the Final Cost Energy and Service Efficiencies Action Plan and direct staff to begin implementation. Motion carried unanimously, with Supervisor Arcularius absent.

Recess/
Reconvene

The Chairperson recessed the regular meeting at 2:15 p.m., to reconvene in open session at 2:25 p.m., with all Board Members present, except Supervisor Arcularius.

Water Dept./IRWMP
Agenda and
Recommendations

Dr. Bob Harrington, Inyo County Water Director, updated the Board on the IRWMP activities. He reviewed the items on the agenda for the upcoming November 13, 2012 Regional Water Management Group Meeting for the IRWMP. The Board and Dr. Harrington discussed the updates to the Plan, the rankings of the projects for submittal to DWR, and discussed the recommendation regarding the Fiscal Agent. The County Administrator reiterated his concerns with the County taking on the responsibility of the Fiscal Agent, including interference by outside organizations with the Water Department's priorities, financial concerns and expectations of the applicants, short and long term liability issues, and performance bond requirements. Mr. Carunchio said that he believes if another entity wants to be the Fiscal Agent and is not gouging on the administration fees it may be a viable alternative. He said that he believes the group at tomorrow's meeting needs to ask the entities how much they are expecting to charge for the administration fees. He said that he believes there may be some benefit to being the Fiscal Agent, but that he suspects along with that benefit there comes a great deal of long term liability. Moved by Supervisor Cash and seconded by Supervisor Pucci to approve the updated Inyo-Mono Regional Water Management Plan; approve the project rankings for submittal to California Department of Water Resources, and offer to be the Fiscal Agent of last resort upon further discussion and analysis if the other two agencies proposing to be the Fiscal Agent will be requiring more than 10% of the grant funds to perform that task. Motion carried unanimously, with Supervisor Arcularius absent.

Board Members and
Staff Reports

The Board Members reported on their activities during the preceding week, including the Standing Committee Meeting, and a DCERP conference call. Mr. Carunchio offered comment and further clarification on a recent letter from CALEMA to the Board of Supervisors regarding the close-out of the 2008 Oak Creek Mud Flow emergency. He assured the Board that although this project had been assigned to another department, staff in the Administrative Department was taking steps to try and resolve this situation.

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 3:20 p.m. to convene in closed session, with all Board Members present, except Supervisor Arcularius, to discuss and take action as appropriate on Agenda Items No. 28. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION [Pursuant to Government Code §54956.9(C)].** – decision whether to initiate litigation (one case); No. 29. **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. 30. **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. 31. **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. 32. **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. 33. **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. 34. **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. 35. **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 3:45 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 3:45 p.m., to 9:00 a.m., Tuesday, November 20, 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