

Agenda

County of Inyo Board of Supervisors

Board of Supervisors Room
County Administrative Center
224 North Edwards
Independence, California

All members of the public are encouraged to participate in the discussion of any items on the Agenda. Anyone wishing to speak, please obtain a card from the Board Clerk and indicate each item you would like to discuss. Return the completed card to the Board Clerk before the Board considers the item (s) upon which you wish to speak. You will be allowed to speak about each item before the Board takes action on it.

Any member of the public may also make comments during the scheduled "Public Comment" period on this agenda concerning any subject related to the Board of Supervisors or County Government. No card needs to be submitted in order to speak during the "Public Comment" period.

Public Notices: (1) In Compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting please contact the Clerk of the Board at (760) 878-0373. (28 CFR 35.102-35.104 ADA Title II). Notification 48 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting. Should you because of a disability require appropriate alternative formatting of this agenda, please notify the Clerk of the Board 72 hours prior to the meeting to enable the County to make the agenda available in a reasonable alternative format. (Government Code Section 54954.2). (2) If a writing, that is a public record relating to an agenda item for an open session of a regular meeting of the Board of Supervisors, is distributed less than 72 hours prior to the meeting, the writing shall be available for public inspection at the Office of the Clerk of the Board of Supervisors, 224 N. Edwards, Independence, California and is available per Government Code § 54957.5(b)(1).

Note: Historically the Board does break for lunch, the timing of a lunch break is made at the discretion of the Chairperson and at the Board's convenience.

February 21, 2012

9:00 a.m. INVOCATION by Supervisor Richard Cervantes

PLEDGE OF ALLEGIANCE

COMMENT (Portion of the Agenda when Board takes comment from the public and County staff)

1. **PUBLIC COMMENT**
2. **COUNTY DEPARTMENT REPORTS** (Reports limited to two minutes)

CONSENT AGENDA (Approval recommended by the County Administrator)

COUNTY ADMINISTRATOR

3. **Emergency Services** – Request Board continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows.
4. **Motor Pool** – Request Board approve a blanket purchase order to Eastern Sierra Motors for vehicle maintenance for \$7,000, which will increase the amount originally approved to a total amount of \$22,000.

HEALTH AND HUMAN SERVICES

5. **Social Services** – Request approval to pay County Medical Services Program (CMSP) Governing Board participation fees for FY 2011-012 in an amount not to exceed \$18,950.

DEPARTMENTAL (To be considered at the Board's convenience)

6. **BOARD OF SUPERVISORS – Supervisor Susan Cash** – Request Board provide direction to Supervisor Cash, as the Board's CSAC representative, regarding Inyo County's vote at the CSAC Board of Directors February 23, 2012 meeting on supporting Governor Jerry Brown's initiative entitled "The Schools and Local Public Safety Protection Act of 2012."
7. **HEALTH AND HUMAN SERVICES – Public Health Services** – Request authorization to extend the temporary employment of one Registered Nurse at Range 078PT (\$29.52/hr.) for a period not to exceed six months.

8. **HEALTH AND HUMAN SERVICES – Public Health Services – Request Board**

A) change the authorized strength by deleting one full-time Supervising Nurse Practitioner position at Range 96 (\$7,747 – \$9,421) and adding one full-time Clinic Nurse Manager at Range 84 (\$5,777 - \$7,022) as an exempt, non-represented position and approve the job description for the Clinic Nurse Manager position; and

B) find that consistent with the adopted Authorized Position Review Policy:

(a) the availability of funding for the requested positions exists in the Public 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 Clinic Nurse Manager, the position should be filled through an internal recruitment, and where internal candidates meet the qualifications for positions of Nurse Practitioner and Registered Nurse, the positions could be filled through an internal recruitment, however open recruitments would be more appropriate to ensure a sufficient number of qualified applicants apply;

(c) approve the hiring of one full time Clinic Nurse Manager at Range 84 (\$5,777 – \$7,022), and authorize hiring up to the E step depending upon qualifications; and authorize the hiring of one APAR Nurse Practitioner at Range PT 98 Step E (\$53.01/hr.) and one APAR Registered Nurse at Range PT78 (\$26.77/hr. – \$32.55/hr.) and

(d) delete one full time Registered Nurse (RN) or Public Health Nurse (PHN) position from the Department's authorized strength should the internal recruitment for a Clinic Nurse Manager result in a vacancy in an RN or PHN position.

9. **WATER DEPARTMENT** – Request Board provide direction to the County's Standing Committee Representatives regarding the attached Draft Standing Committee Agenda.

10. **CLERK OF THE BOARD** – Request approval of the minutes of the February 7, 2012 Board of Supervisors Meeting.

TIMED ITEMS (Items will not be considered before scheduled time)

11:00 a.m. 11. **CORONER** – Request Board enact an ordinance titled "An Ordinance of the Board of Supervisors, County of Inyo, State of California, Amending Section 2.88.040 of the Inyo Code to Increase the Salary of Certain Elected Officials, Excluding Members of the Board of Supervisors" which will increase the salary of the Coroner from \$1,600 to \$2,000 per month.

WORKSHOPS AND PRESENTATIONS (To be considered at the Board's convenience)

CORRESPONDENCE - ACTION

BOARD MEMBERS AND STAFF REPORTS

COMMENT (Portion of the Agenda when the Board takes comment from the public and County staff)

12. **PUBLIC COMMENT**

CLOSED SESSION

13. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Pursuant to Government Code §54956.9(c) – Decision Whether to Initiate Litigation (one case).**

14. **PERSONNEL [PURSUANT TO GOVERNMENT CODE §54957] - Public Employee Performance Evaluation – Title: County Administrative Officer.**

15. **PERSONNEL [PURSUANT TO GOVERNMENT CODE §54957] - Public Employee Appointment - Title: Public Works Director.**

16. **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: CAO Kevin Carunchio and Labor Relations Administrator Sue Dishion.
17. **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.
18. **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 AS REQUIRED BY LAW

CORRESPONDENCE - INFORMATIONAL

19. **SHERIFF'S DEPARTMENT** – Sheriff and Jail Overtime Report for the month of January 2012.

DRAFT AGENDA

INYO COUNTY/LOS ANGELES STANDING COMMITTEE

11:00 A.M.

February 24, 2012

Catholic Church

Bishop, California

The public will be offered the opportunity to comment on each agenda item prior to any action on the item by the Standing Committee or, in the absence of action, prior to the Committee moving to the next item on the agenda. The public will also be offered the opportunity to address the Committee on any matter within the Committee's jurisdiction prior to adjournment of the meeting.

1. **Action Item:** Approval of documentation of actions from December 9, 2011 meeting.
2. **Action Item:** Standing Committee policy for addressing questions from the public
3. Status of dispute concerning procedures for evaluating Annual Operations Plans.
4. Report on status of revegetation projects.
5. Lower Owens River Project
 - a. Annual report and work plan
 - b. Report on Recreational Use Plan
6. Report on status of evaluation of vegetation parcel Blackrock 94
7. Report on status of Green Book revisions
 - a. Facilitation
 - b. New and replacement well installation
 - c. Management of groundwater pumping
 - d. Vegetation monitoring
 - e. Schedule
8. Report on Owens Lake
 - a. Applicability of Inyo/Los Angeles Long-Term Water Agreement to Owens Lake
 - b. Groundwater study
 - c. Master Plan
9. Report on status of land releases
10. Public Comment
11. Confirm schedule for future Standing Committee meetings
12. Adjourn

Standing Committee meeting protocols (Adopted May 11, 2011)

The Inyo/Los Angeles Long-Term Water Agreement (LTWA) define the Standing Committee in Section II:

As agreed by the parties, the Department representatives on the Standing Committee shall include at least one (1) member of the Los Angeles City Council, the Administrative Officer of the City of Los Angeles, two (2) members of the Board of Water and Power Commissioners, and three (3) staff members. The County representatives on the Standing Committee shall be at least one (1) member of the Inyo County Board of Supervisors, two (2) Inyo County Water Commissioners, and three (3) staff members.

The LTWA further provides that:

Regardless of the number of representatives from either party in attendance at a Standing Committee or Technical Group meeting, Inyo County shall have only one (1) vote, and Los Angeles shall have only one (1) vote.

The Standing Committee adopts the following protocol for future Standing Committee meetings.

1. In order for the Standing Committee to take action at a meeting, representation at the meeting will consist of at least four representatives of Los Angeles, including one member of the Los Angeles City Council or Water and Power Commission, and four representatives of Inyo County, including one member of the Board of Supervisors.
2. A Chairperson from the hosting entity will be designated for each meeting.
3. In the event that an action item is on the meeting agenda, Los Angeles and Inyo County shall each designate one member to cast the single vote allotted to their entity at the onset of the meeting. The Chairperson may be so designated. Agenda items that the Standing Committee intends to take action on will be so designated on the meeting agenda.
4. If representation at a Standing Committee meeting is not sufficient for the Standing Committee to act, the Standing Committee members present may agree to convene the meeting for the purpose of hearing informational items.
5. Meeting agendas shall include any item within the jurisdiction of the Standing Committee that has been proposed by either party.
6. The public shall be given the opportunity to comment on any agenda item prior to an action being taken. The public will be given the opportunity to comment on any non-agendized issue within the jurisdiction of the Standing Committee prior to the conclusion of each scheduled meeting. At the discretion of the Chairperson, reports from staff or reopening of public comment may be permitted during deliberations.
7. The Chairperson may limit each public comment to a reasonable time period. The hosting entity will be responsible for monitoring time during public comment.
8. Any actions taken by the Standing Committee shall be described in an action item summary memorandum that is then transmitted to the Standing Committee at its next meeting for review and approval. This summary memorandum shall also indicate the Standing Committee members present at the meeting where actions were taken.
9. Standing Committee meetings shall be voice recorded by the host entity and a copy of the recording shall be provided to the guest entity.



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

3

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: Kevin D. Carunchio, County Administrator

FOR THE BOARD MEETING OF February 21, 2012

SUBJECT: Continuation of declaration of local emergency

DEPARTMENTAL RECOMMENDATION: - Request Board continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows.

SUMMARY DISCUSSION: - During your August 5, 2008 Board of Supervisors meeting your Board took action to continue the local emergency, which was a result of the Inyo Complex Oak Creek Mud Flows. Since the circumstances and conditions relating to this emergency persist, your Board directed that the continuation of the declaration be considered on a week-to-week basis. The recommendation is that the emergency be continued until the permanent diversions are in place. LADWP has notified your Board that the completion of the project is expected for sometime this fall. Therefore, it is recommended that your Board continue the emergency.

ALTERNATIVES: N/A

OTHER AGENCY INVOLVEMENT: N/A

FINANCING: N/A

APPROVALS

COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by county counsel prior to submission to the board clerk.) Approved: _____ Date _____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.) Approved: _____ Date _____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.) Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)
(The Original plus 20 copies of this document are required)

Date: _____



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER
4

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: Motor Pool

FOR THE BOARD MEETING OF: February 21, 2012

SUBJECT: Authorization to issue blanket purchase order for vehicle maintenance

DEPARTMENTAL RECOMMENDATION: Authorize the issuance of blanket purchase order to the vendor listed below for vehicle maintenance. Motor Pool currently has blanket purchase orders with several vehicle repair vendors and needs to increase the purchase order amount for the vendor listed here by \$7000.00 for a total amount of \$22,000.

VENDOR
Eastern Sierra Motors

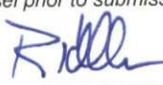
SUMMARY DISCUSSION: The Motor Pool utilizes outside vendors to execute the preventative maintenance and repair of approximately 200 vehicles in the Motor Pool fleet. Motor Pool is requesting authorization to issue, or in this case, increase blanket purchase order in amount listed above. This purchase order will expedite repairs, allowing Motor Pool to process payments to this vendor in a more timely manner. The issuance of this purchase order will not negate the requirement of getting verbal or written quotes for individual purchases, in accordance with the County Purchasing Policy.

ALTERNATIVES: Your Board could choose not to authorize the issuance of this blanket purchase order or modify the amount. In the event that the blanket purchase order is not issued, the procedure of preparing a purchase order for the individual purchase would be used. The effect of this, however, may increase the down time for motor pool vehicles.

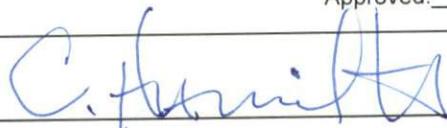
OTHER AGENCY INVOLVEMENT:

FINANCING: Included in the Motor Pool budget for the 2011/2012 fiscal year budget 200100 object code 5171.

APPROVALS

COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by county counsel prior to submission to the board clerk.)  Approved: _____ Date: <u>2-1-12</u>
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)  Approved: <u>yes</u> Date: <u>2/3/12</u>
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.) Approved: _____ Date: _____

DEPARTMENT HEAD SIGNATURE:
(Not to be signed until all approvals are received)

 Date: 2-6-12



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:

AGENDA NUMBER

5

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: HEALTH & HUMAN SERVICES, Social Services

FOR THE BOARD MEETING OF: February 21, 2012

SUBJECT: Approval to Pay FY 2011-12 County Medical Services Program Participation Fee

DEPARTMENTAL RECOMMENDATION:

Request approval to pay County Medical Services Program (CMSP) Governing Board participation fees for fiscal year 2011-2012 in an amount not to exceed \$18,950.

CAO RECOMMENDATION:

SUMMARY DISCUSSION:

This request comes before you, consistent with the County Purchasing Policy, for approval of payment of annual fees. CMSP provides health coverage for low-income, indigent adults in thirty-four, primarily rural California counties. This CMSP consortium allows Inyo County to meet the statutory requirements of California's Welfare and Institutions Code Section 17000 requiring counties to provide for their medically indigent adults. The CMSP Governing Board, established by California law in 1995, is charged with overall program and fiscal responsibility for the program. The eleven-member CMSP Governing Board provides policy direction for the program, sets program eligibility requirements, determines the scope of covered health care benefits, and sets the payment rates paid to health care providers delivering services to CMSP members. Your Health and Human Services Director, Jean Turner, is one of two Social Services Directors elected to serve on the CMSP Governing Board currently.

CMSP is funded exclusively by Realignment revenue (motor vehicle license fees and sales tax) and county participation fees. In order for Inyo County to continue to participate in CMSP we are required to pay this annual participation fee. If Inyo County chose to no longer participate in CMSP, Inyo County would still, by law, be responsible for providing health care services to indigent adults in our county.

ALTERNATIVES:

If the participation fees are not paid, then Inyo County will need to establish a program that will provide health care services to indigent adults in Inyo County.

OTHER AGENCY INVOLVEMENT:

CMSP Governing Board

FINANCING:

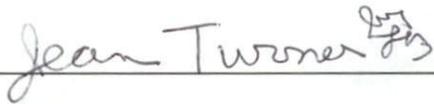
State and federal funds plus a 15% County share of approximately \$2,843 paid out of Social Services Realignment. This expense will be budgeted in Social Services (055800) in General Operating (5311).

APPROVALS

COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by County Counsel prior to submission to the Board Clerk.)</i> Approved: _____ Date: _____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the Auditor/Controller prior to submission to the Board Clerk.)</i>  Approved:  _____ Date: <u>2/6/12</u>
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the Director of Personnel Services prior to submission to the Board Clerk.)</i> Approved: _____ Date: _____

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)



Date: 2-7-12

CMSP
GOVERNING BOARD

January 12, 2012

TO: County Contact
FROM: Lee D. Kemper 
Executive Director
RE: CMSP County Participation Fees for FY 2011-12

Attached please find an invoice for the FY 2011-12 CMSP County Participation Fee.

Payment for the 2011-12 Participation Fee is due by March 1, 2012. Please provide payment to the following address:

County Medical Services Program Governing Board
Attention: Kari Brownstein, Finance Director
1451 River Park Drive, Suite 222
Sacramento, CA 95815

- V002076

If you have any questions please contact Ms. Brownstein at (916) 649-2631, extension 13. Thank you.

County Medical Services Program Governing Board
County Participation Fee Invoice
FY 2011-12

County: Inyo

DESCRIPTION	DUE CMSP	
FY 2011-12 CMSP Participation Fee	\$	18,950



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

6

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: Supervisor Susan Cash

FOR THE BOARD MEETING OF: February 21, 2012

SUBJECT: Direction requested on Inyo County's vote at the CSAC Board of Directors meeting on February 23, 2012 with regard to supporting Governor Jerry Brown's initiative entitled *The Schools and Local Public Safety Protection Act of 2012*.

DEPARTMENTAL RECOMMENDATION: - Request Board give direction to Supervisor Cash, as your CSAC Board of Directors representative, on Inyo County's vote.

SUMMARY DISCUSSION:

The attachments provide the background of this issue. I would add that where the memo dated February 8, 2012 from Paul McIntosh states, "On January 19, the CSAC Executive Committee considered the Governor's proposed ballot measure and voted to recommend to the Board of Directors that CSAC take a SUPPORT position on the measure", this was far from an overwhelming vote. As I reported to this board during my February 7th board report, the vote at the Executive Committee was 8 in support (5 Urban, 2 Suburban, 1 Rural) and 5 against (2 Urban, 1 Suburban, 2 Rural). It is my expectation that the SUPPORT position will shift significantly to something mirroring what was seen in the vote on SCA 1X, where 45 counties voted to support similar legislation and 4 counties did not support the legislation. Recall that Inyo was one of the four counties that did not vote to support the legislation, because the legislation was not yet formulated, written, and analyzed at the time we were being asked to support it.

Additionally, note that in 2007, an amended Policy and Procedure Manual was adopted for CSAC by the Board of Directors that changed the voting threshold for taking a position on an initiative. Prior to the amendment in 2007, a position on an initiative only required a majority vote of the counties participating in the meeting. This meant that a quorum could be had with 30 counties, and a position could be taken with only 16 counties being in agreement. The 2007 amendment changed the threshold to requiring "at least fifty percent plus one of the member counties" – essentially requiring 30 counties to be in agreement. Many times in the intervening years, this has resulted in CSAC taking "no position" due to the inability of initiative proponents or opponents to garner 30 county votes.

Although the CSAC agenda announces that the item is "Consideration of a Position" on the initiative, the Executive Committee's recommendation is a SUPPORT position. That will be the motion on the floor; this agenda item is to provide direction on whether Inyo will vote in favor, against, or abstain on that motion.

ALTERNATIVES:

OTHER AGENCY INVOLVEMENT: n/a

FINANCING: n/a

<u>APPROVALS</u>	
BUDGET OFFICER:	BUDGET AMENDMENTS <i>(Must be reviewed and approved by Budget Officer prior to being approved by others, as needed, and submission to the Assistant Clerk of the Board.)</i>
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the Assistant Clerk of the Board.)</i> Approved: _____ Date _____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the Assistant Clerk of the Board.)</i> Approved: _____ Date _____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the Assistant Clerk of the Board.)</i> Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)

Susan Cash

Date: 02/15/12

(The Original plus 20 copies of this document are required)

MEMORANDUM



February 8, 2012

1100 K Street
Suite 101
Sacramento
California
95814

Telephone
916.327-7500

Facsimile
916.441.5507

To: Board of Directors
California State Association of Counties

From: Paul McIntosh
Executive Director

Re: **Constitutional Protections for Realignment – ACTION ITEM**

At a special meeting on January 5, the CSAC Board of Directors reaffirmed that obtaining a constitutional guarantee of revenues to support the 2011 realigned programs, as well as protecting counties from costs associated with future changes to those programs, remained the top priority of the Association. The board also voted to suspend all efforts by CSAC to qualify an independent ballot measure, leaving the measure filed by Governor Brown ("*The Schools and Local Public Safety Protection Act of 2012*") as the only available vehicle to achieve those constitutional protections.

On January 19, the CSAC Executive Committee considered the Governor's proposed ballot measure and voted to recommend to the Board of Directors that CSAC take a SUPPORT position on the measure.

This memo is intended to provide information to the Board of Directors to assist in considering that recommendation.

Background

Realignment in 2011 shifted responsibility for nearly \$6 billion in public safety and social service programs to California's counties. CSAC's support of realignment was premised on assurances from Governor Brown and the Legislature that the funding for realigned programs would be constitutionally protected and counties' exposure to future programmatic costs would be limited. Without these guarantees and protections, California counties remain significantly exposed to increased costs and program responsibilities.

In September 2011, after the Legislature failed to approve Senate Constitutional Amendment 1X (SCA 1X) – the measure that included the negotiated constitutional protections – the Board of Directors authorized CSAC staff to begin to prepare a ballot measure and evaluate the efficacy of moving forward on a realignment-only measure. CSAC's measure, "*The Local Taxpayers, Public Safety and Local Services Protection Act of 2012*," was filed with the Attorney General on November 2, 2011 and received title and summary from the Attorney General and a fiscal analysis from the Legislative Analyst's Office on December

29, 2011. CSAC was joined by the California State Sheriffs' Association and the Chief Probation Officers of California in pursuit of the realignment-only measure.

Subsequently, the Governor filed his own sponsored initiative, "*The Schools and Local Public Safety Protection Act of 2012*," on December 5, 2011. The Governor's measure received title and summary from the Attorney General on January 18. That title and summary, as well as the Legislative Analyst's fiscal analysis, are attached. The title given to the measure by the Attorney General reads "TEMPORARY TAXES TO FUND EDUCATION. GUARANTEED LOCAL PUBLIC SAFETY FUNDING. INITIATIVE CONSTITUTIONAL AMENDMENT."

At a special meeting of the CSAC Board of Directors on January 5, the Board voted to suspend all activities related to the *Local Taxpayers, Public Safety and Local Services Protection Act of 2012*, leaving the Governor's proposed ballot measure as the only vehicle with which to obtain the guaranteed funding and constitutional protections sought. The Board of Directors reaffirmed, during that meeting, that obtaining the guarantee and protections were the top priority for the Association.

The Governor's measure provides for a temporary (five year) increase in the personal income tax for high income (over \$250,000) earners as well as a temporary (four year) ½ cent increase in the state sales and use tax. Proceeds of the taxes are dedicated to a new fund, the Education Protection Account and can only be spent on K-14 education. The measure bars use of the funds for administrative purposes. From the analysis of the Legislative Analyst's Office, details of the proposed temporary taxes are:

Under current law, the maximum marginal Personal Income Tax (PIT) rate is 9.3 percent, and it applies to taxable income in excess of \$48,209 for individuals; \$65,376 for heads of household; and \$96,058 for joint filers. This measure temporarily increases PIT rates for higher incomes by creating three additional tax brackets with rates above 9.3 percent. Specifically, this measure imposes:

- A 10.3 percent tax rate on income between \$250,000 and \$300,000 for individuals; \$340,000 and \$408,000 for heads of household; and \$500,000 and \$600,000 for joint filers.
- A 10.8 percent tax rate on income between \$300,000 and \$500,000 for individuals; \$408,000 and \$680,000 for heads of household; and \$600,000 and \$1 million for joint filers.
- An 11.3 percent tax rate on income in excess of \$500,000 for individuals; \$680,000 for heads of household; and \$1 million for joint filers.

These tax rates would affect roughly 1 percent of California PIT filers due to the high income threshold. The tax rates would be in effect for five years starting in the 2012 tax year.

This measure temporarily increases the state Sales and Use Tax (SUT) rate by 0.5 percent. The higher tax rate would be in effect for four years—from January 1, 2013 through the end of 2016. Under the measure, the statewide average SUT rate would increase to 8.6 percent

Since virtually all of the income earners impacted by the proposed temporary increase in personal income taxes itemize their deductions on state and federal tax returns, a significant portion of the increase in state taxes paid through this provision could be offset by a reduced federal tax liability.

The revenues raised by the temporary taxes are in addition to the funding guarantee for the realigned programs. The revenues generated from these temporary taxes are exclusively dedicated to school entities (K-12 education and community colleges) and are subject to the Proposition 98 calculation. The revenues raised by the measure are deposited directly into a newly created fund and allocated to schools, bypassing the Legislature. This essentially means that these revenues are first to fill the "bucket" of the state's annual Proposition 98 calculation, thus saving the state about half of that amount that can otherwise be used for other state General Fund purposes.

In addition to the temporary increase in taxes for education, the measure provides a constitutional guarantee of the funding dedicated to the 2011 realignment (an amount equal to 1.0625% of the state sales tax and certain vehicle license fees) as well as the protections of those programs sought last Spring in SCA 1X.

Discussion

Under normal circumstances, CSAC does not take a position on ballot measures until they have qualified for the ballot. However, CSAC policies and procedures provide that "*in the event that a proposed ballot measure has a direct impact on county government ... the CSAC officers may direct*" that action be taken on the measure prior to actual qualification. This measure affects nearly \$6 billion of funding for realigned programs and certainly has a dramatic, direct impact on California's counties. Therefore, the CSAC Officers have determined that it is in the best interest of the Association to move forward to quickly support the measure.

CSAC has enjoyed a unique, strong relationship with Governor Brown. He spent his first full day in office, January 4, 2011, meeting with CSAC officers and senior staff regarding his efforts to divest state programs to counties. He followed that up with a meeting with the CSAC Board of Directors in March 2011 and worked closely with CSAC officers and staff during the summer in an effort to gain passage of SCA 1X.

For the past five years, CSAC has pursued a strategy that California counties are partners with the State of California in the delivery of vital services to our citizens. The politics of confrontation, followed by some, do not seem to have borne fruit. Certainly when one compares the impacts that state budget reductions had on California counties in the 1980s and 1990s with the impacts of the past few years, counties have fared very well. It continues to be in the best interests of

counties to work cooperatively with the Administration and Legislature to assist them in addressing the final vestiges of this recession.

It has long been CSAC policy to support a balanced approach to resolving the chronic state budget deficit and under that policy CSAC has supported increased revenues in the past. For instance, in 2009 the CSAC board supported an increase in the gas tax when the Legislature proposed to permanently divert the entire local share of the Highway User Tax Account (HUTA) to fund debt service and provide \$1 billion a year in General Fund relief. This tax increase generated an additional \$750 million per year.

Governor Brown inherited a combined \$26.2 billion budget deficit when he took office last year and whittled that down to a \$9.2 billion deficit for the next 18 month period. The Governor's proposed 2012-13 budget is balanced through a combination of budget cuts and the proposed tax increases. If the tax increases are not supported, triggers cuts — primarily in education — would automatically kick in. The temporary taxes contained in the Governor's ballot measure are about half of the taxes that would have been extended by SCA 1X. CSAC voted 45-4 to support SCA 1X due primarily to the fact that it contained the constitutional protections sought as part of realignment, as does the Governor's proposed measure.

Through his proposed budget, the Governor projects that these taxes would be temporary and that growth in the state's economy would produce future tax revenues sufficient to offset the loss of the temporary taxes when they expire.

Beginning in 1991, the State of California has relied upon temporary tax increases to assist the state in recovering from severe recessions. In 1991, Governor Wilson proposed, and the Legislature enacted, high-income taxes by adding incremental tax rates of 10 and 11 percent on those upper income levels. These rates expired after five (5) years in 1996. In addition, a temporary ½ cent sales tax was imposed, set to expire in 1993. Even those increased tax revenues, though, did not prevent that state from diverting \$4.3 billion of local property taxes to a state Education Revenue Augmentation Fund (ERAF) to fund part of the state's obligation to K-14 education in 1992-93 and 1993-94 as the recession lingered.

Also in 1991, CSAC supported an increase in the sales tax (½ cent) and an adjustment to the depreciation schedule of the vehicle license fee that generated \$1.98 billion that was then designated to the 1991 realignment programs. Both of those tax sources remain in effect today and generate approximately \$4 billion for California counties to use on those programs.

In part to offset the impacts of those tax diversions in 1993, the Legislature placed Proposition 172 on the ballot. This measure offered voters the opportunity to continue the ½ cent sales tax that was to expire at the end of 1993

and dedicated the funding from the ½ cent sales tax to public safety. CSAC supported Proposition 172; it passed by a strong margin and remains in effect today.

In 2009, under Governor Schwarzenegger, the Legislature adopted temporary income tax rates at the higher level, a temporary 1 cent increase in the sales tax, and a temporary Vehicle License Fee rate increase, a portion of which was dedicated to local public safety. These temporary taxes were in place for two years and expired at the end of June 2011. These were the taxes that would have been extended for five years under SCA 1X.

State Budget Cuts

There is no question that California and the rest of the nation have been wracked by one of the worst and prolonged economic recessions since the Great Depression. The impact first hit California in 2008 and has been felt in every budget since.

In response, California has made significant cuts in state expenditures. It is difficult to make an apples-to-apples comparison of budget gaps and deficits as those figures seem to change continuously. However, if you compare the actual budget figures for the state's general fund, you can see that the State of California has made real reductions in spending, while demand for services has continued to climb.

<i>In Billions</i>	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12
General Fund	\$102.137	\$103.373	\$91.547	\$87.335	\$91.48	\$85.937

The 2011-12 Budget cut General Fund spending as a share of the economy to its lowest level since 1972-73. State Supplementary Payment grants were reduced to the level in effect in 1983. CalWORKs grants were reduced to below the level in effect in 1987. State support for its universities and courts was cut by about 25 percent and 20 percent, respectively. The Adult Day Health Care program, redevelopment agencies, Williamson Act subventions, Home-to-School Transportation, and the refundable child care and dependent tax credit were all eliminated. The Department of Corrections and Rehabilitation's expenditures will be reduced by approximately 18 percent once realignment is fully implemented. K-14 education funding remains \$9 billion below the funding level in 2007-08.

The Governor has proposed further cuts to K-14 education should his measure fail in November. Furthermore, such a failure would exacerbate the structural deficit that has plagued the state since 2000.

The Governor's Campaign

While any statewide tax measure faces an uphill battle, the Governor's measure does appear to have strong initial support among voters. CSAC conducted a poll of the Governor's measure in December 2011 and found that 62% of those polled support a plain language description of the measure. The ongoing cuts to public education are the most persuasive arguments. In this same poll, a range of 65% to 71% of likely voters expressed concerned about funding for K-14 education.

As more information about the measure is distributed, voters' concerns about education and support for the measure seem to increase. The Public Policy Institute of California conducted a comprehensive survey in January, in the wake of the release of Governor Brown's proposed budget for the next fiscal year. That survey found 72% of adults and 68% of likely voters favored the proposed temporary tax increases. A copy of the survey is attached.

As of this writing, the Governor has raised over \$2 million in support of his measure and is currently collecting signatures throughout the state to qualify. We anticipate significant funding from business, labor and education groups in support of the Governor's efforts. The Governor has in fact indicated a broad range of supporters, from labor to business interests. To date, the following groups have made financial contributions to the Governor's campaign:

- American Beverage Association
- Occidental Petroleum
- Blue Shield of California
- Californians to Protect Chiropractic Patient Rights
- California Attorneys in State Employment
- Members' Voice of the State Building Trades
- California Association of Hospitals and Health Systems
- California Tribal Business Alliance
- Lytton Band of Pomo Indians
- Paskenta Band of Nomlaki Indians
- Morongo Band of Mission Indians
- Agua Caliente Band of Cahuilla Indians
- KP Financial Services
- GTech
- Yocha DeHe Wintun Nation
- Education Management LLC
- American Federation of State and City Municipal Employees
- Kaiser Permanente

As of this writing, the following groups or businesses have publicly supported the Governor's initiative:

- Chief Probation Officers of California
- California Business and Industry Association

California Medical Association
Community College League of California
California Teachers Association
Building and Construction trades Council
Service Employees International Union
American Federation of State and City Municipal Employees
Los Angeles County (Letter attached)
Contra Costa County (Letter attached)

Interestingly, in his association's statement regarding support for the measure, California Teachers Association President Dean Vogel is quoted as saying:

"Educators know that California cannot continue to cut its way out of ongoing budget problems. We also know that not everyone in California is paying their fair share, and that's why we are supporting the governor's tax proposal, which taxes the wealthiest Californians in order to bring additional revenue to our schools, colleges and other essential public services.

"The governor's initiative is the only initiative that provides additional revenues for our classrooms and closes the state budget deficit, **and guarantees local communities will receive funds to pay for the realignment of local health and public safety services that the Legislature approved last year.** It's time to put California back on track and this initiative is the best way to do that. It's the right choice for our students and their families, our communities and our state." [*Emphasis added.*]

The Governor has also committed to an ongoing dialogue with counties regarding implementation issues for realigned programs, as well as other issues of statewide concern. We continue to have an active and constructive dialogue with Administration officials on the implementation of AB 109 and realignment generally.

An important factor that will influence the Governor's success will be the extent to which he can clear the field of other tax initiatives, most importantly the other measures seeking to raise the personal income tax. In particular, there are two other ballot measures aimed at November 2012 that contain personal income tax increases to fund education. As of this writing, both of these campaigns have indicated they plan to proceed with signature gathering and qualification. Neither of these measures contains provisions protecting realignment funding:

A group called *The Coalition for Restoring California* has proposed a "millionaires' tax". A key member of this coalition is the California Federation of Teachers (CFT). Starting with tax year 2012, the measure raises the personal income tax (PIT) an additional 3% on the portion of a taxpayer's income between \$1 million and \$2 million and 5% on any income above \$2 million. As with the current mental health surcharge, the brackets would be the same for single, joint, and head-of-household returns and would not be indexed for inflation. Most of the funding,

estimated at \$6 to \$9.5 billion per year, would go to K-14 education, but funding would also go to several county-managed programs - county programs for seniors, children, the disabled, and public health (25%); county public safety programs (10%); and, county road and bridge maintenance (4.9%). The campaign recently reported a \$500,000 contribution from the CFT and a \$200,000 contribution from an organization "California Calls". The California Nurses Association have also indicated their support for this measure.

The second measure is sponsored by *Our Children, Our Future*, whose primary benefactor is Molly Munger, a civil rights attorney in Los Angeles and the daughter of Charles Munger, partner to Warren Buffet. Their proposal increases the personal income tax (PIT) rates on all but the lowest income bracket, beginning in 2013 and ending in 2024. The additional marginal tax rates would be higher as taxable income increases. For income of PIT filers currently in the highest current tax bracket (9.3% marginal tax rate, excluding the mental health tax), additional marginal tax rates would rise as income increases. The income levels in the tax brackets would be indexed for inflation. The current mental health tax would continue to be imposed.

In 2013-14 and 2014-15, all revenues raised by this measure (estimated to be between \$10 and \$11 billion per year) would be allocated for schools and Early Care and Education (ECE) programs (85% for schools, 15% for ECE). Beginning in 2015-16, total allocations to schools and ECE programs could not increase at a rate greater than the average growth in California personal income per capita in the previous five years. The measure also prohibits monies from being used to replace state, local, or federal funding that was in place prior to November 1, 2012. All revenue collected by the measure and allocations made to schools are excluded from the calculation of the Proposition 98 minimum guarantee. Ms. Munger has contributed \$900,000 to this campaign as of this writing, and recently indicated that she would spend "whatever it takes" to qualify her measure for the ballot.

Both of these measures are currently circulating petitions to gain enough signatures to qualify for the November ballot. It is unclear whether the *Coalition for Restoring California* has sufficient means to qualify its measure and run an effective campaign. *Our Children, Our Future* appears to have sufficient funding to do both, and they show no sign of abating their effort.

Governor Brown has pledged that if his November 2012 measure fails, due to a crowded ballot or other issues, he will not hesitate to bring back another ballot measure to provide the guarantees and protections sought by California counties.

Recommendation

The Schools and Local Public Safety Protection Act of 2012 remains the only viable vehicle for California Counties to obtain the constitutional protections and guaranteed funding for realigned programs that remains the top priority of the Association. While the measure polls well as of this writing, competing measures could weaken its chances of passage. Association support of the measure is important to garner the votes necessary to pass the measure. Furthermore, Association support is very important should the measure fail and it becomes necessary for the Governor to follow through on his commitment to bring the protections back in another election.

The Executive Committee has recommended that the Board of Directors vote to **SUPPORT** *The Schools and Local Public Safety Protection Act of 2012*.

Attachments

- (1) Los Angeles County Letter dated January 25, 2012
- (2) Contra Costa County Letter dated January 31, 2012
- (3) Title and Summary dated January 18, 2012
- (4) Legislative Analyst's Letter dated January 11, 2012
- (5) PPIC Statewide Survey, January 2012

The Board of Supervisors

County Administration Building
651 Pine Street, Room 106
Martinez, California 94553

John Gioia, 1st District
Gayle B. Ulkema, 2nd District
Mary N. Piepho, 3rd District
Karen Mitchoff, 4th District
Federal D. Glover, 5th District

Contra Costa County

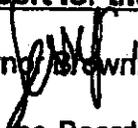


David Twa
Clerk of the Board
and
County Administrator
(925) 335-1900

January 31, 2012

The Honorable Edmund G. Brown, Jr.
Governor, State of California
State Capitol
Sacramento, CA 95814

RE: Support for the Governor's Ballot Initiative in November 2012

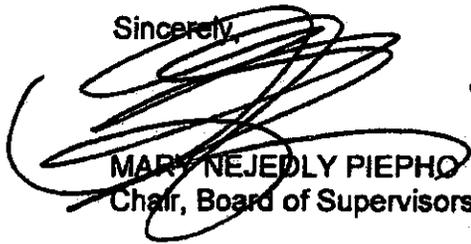
Dear Governor  Brown:

As Chair of the Board of Supervisors of Contra Costa County, I write to advise you that on January 17, 2012 the Board voted unanimously 5-0 to support your ballot initiative titled "*Temporary Taxes to Fund Education. Guaranteed Local Public Safety Funding. Initiative Constitutional Amendment.*" to constitutionally guarantee revenues identified for the 2011 Public Safety Realignment and protect local governments from future increased costs associated with the realigned programs.

We appreciate your willingness to continue working with us as we implement new and expanded program responsibilities transferred from the State to counties pursuant to AB 109 of 2011. Your continued commitment to provide counties with minimum guaranteed funding and constitutional protections will be vital for the implementation of the 2011 Public Safety Realignment.

We look forward to a continued partnership with your Administration to resolve potential concerns and provide counties with the necessary funding, protections, and guarantees to ensure the public safety of Contra Costa county residents and all Californians.

Sincerely,


MARY NEJEDLY PIEPHO
Chair, Board of Supervisors

cc: Contra Costa Legislative Delegation
Members, Contra Costa Board of Supervisors
Cathy Christian, Nielsen Merksamer
CSAC, Paul McIntosh



COUNTY OF LOS ANGELES BOARD OF SUPERVISORS

KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET, ROOM 383
LOS ANGELES, CALIFORNIA 90012
(213) 974-1411 • FAX (213) 620-0636

January 25, 2012

SACHI A. HAMAI
EXECUTIVE OFFICER

MEMBERS OF THE BOARD

GLORIA MOLINA

MARK RIDLEY-THOMAS

ZEV YAROSLAVSKY

DON KNABE

MICHAEL D. ANTONOVICH

Mr. Paul McIntosh, Executive Director
California State Association of Counties
1100 K Street, Suite 101
Sacramento, CA 95814

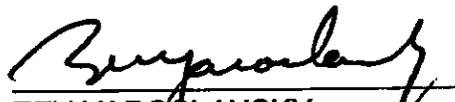
Dear Mr. McIntosh:

This letter is to advise you that on January 24, 2012, the Los Angeles County Board of Supervisors voted to support Governor Brown's ballot initiative titled, "*Temporary Taxes to Fund Education. Guaranteed Local Public Safety Funding. Initiative Constitutional Amendment.*" to constitutionally guarantee revenues identified for the 2011 Public Safety Realignment and protect local governments from future increased and unfunded costs associated with the administration of realigned programs.

We firmly believe that minimum guaranteed funding and constitutional protections are vital for counties to successfully implement the 2011 Public Safety Realignment. While our Board has ongoing concerns because of the myriad of complexities we have experienced with the implementation of the realigned programs, we fully support the Governor's initiative effort to guarantee realignment revenues and provide local governments protections as we implement and operate the realigned programs.

We are advising Governor Brown of our support for his initiative and we are committed to continue working with his Administration and CSAC to ensure successful implementation of the 2011 Public Safety Realignment.

Sincerely,


ZEV YAROSLAVSKY
Chairman, Board of Supervisors


GLORIA MOLINA
Supervisor, First District


MARK RIDLEY-THOMAS
Supervisor, Second District



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only: AGENDA NUMBER 7
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- Consent Hearing Departmental Correspondence Action Public
 Scheduled Time for Closed Session Informational

FROM: HEALTH & HUMAN SERVICES – Public Health

FOR THE BOARD MEETING OF: February 21, 2012

SUBJECT: Request to extend temporary employment of a Registered Nurse.

DEPARTMENTAL RECOMMENDATION:

Request that your Board authorize Health and Human Services to extend the temporary employment of one Registered Nurse at Range 078PT (\$29.52/hr.), for a period not to exceed six months.

CAO RECOMMENDATION:

SUMMARY DISCUSSION:

This temporary employee has been filling in with clinical tasks left uncovered as a result of (1) consolidation over a year ago of a former Outreach and Clinical Nurse Manager position with the Nurse Practitioner position, and (2) the on-going difficulty in recruiting and retaining a Nurse Practitioner. This difficulty has left the remaining HHS public health nursing staff struggling to provide nursing services during multiple weekly walk-in clinics, providing the mandated follow up with communicable diseases, and facilitating the case management needs of clients in various public health programs. This temporary employee has provided the needed staffing for the flu vaccination clinics, assistance in special projects such as the countywide One Sight Vision collaborative with Toiyabe and working consistently at the scheduled weekly clinics providing direct services to clients needing childhood immunizations, foreign travel vaccinations and women's health assistance. Therefore, HHS is requesting an extension for our current temporary Registered Nurse for a period not to exceed six months.

ALTERNATIVES:

Your Board could choose not to extend the temporary employment of this employee. However, this position has been instrumental to ongoing services, and doing so would have a negative impact on the remaining staff.

OTHER AGENCY INVOLVEMENT:

None

FINANCING:

This position is budgeted in Public Health (045100) and CCS Administration (045501) in the Salaries & Benefits object codes. No County General Fund.

APPROVALS

COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by County Counsel prior to submission to the Board Clerk.)</i> Approved: _____ Date: _____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the Auditor/Controller prior to submission to the Board Clerk.)</i> <i>Patricia Lohrey</i> Approved: <u>Patricia Lohrey</u> Date: <u>2/1/12</u>
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the Director of Personnel Services prior to submission to the Board Clerk.)</i> <i>Sue De</i> Approved: <u>Sue De</u> Date: <u>1/25/12</u>
BUDGET OFFICER:	BUDGET AND RELATED ITEMS <i>(Must be reviewed and approved by the Budget Officer prior to submission to the Board Clerk.)</i> Approved: _____ Date: _____

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)

Jean Turner

Date: 2-3-12



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only: AGENDA NUMBER 8
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- Consent Hearing Departmental Correspondence Action Public
 Scheduled Time for Closed Session Informational

FROM: HEALTH & HUMAN SERVICES – Public Health

FOR THE BOARD MEETING OF: February 21, 2012

SUBJECT: Request to reorganize the Public Health division of the Health and Human Services Department

DEPARTMENTAL RECOMMENDATION:

Request the Board

1. make the following changes to the Authorized Strength in the Health and Human Services Public Health division:
 - a. Delete the full time Supervising Nurse Practitioner at Range 96; and
 - b. Add one full time Clinic Nurse Manager at Range 84 (\$5,777- \$7,022) as an exempt, non-represented position and approve the job description for the Clinic Nurse Manager position; and
2. find that, consistent with the adopted Authorized Position Review Policy, the availability of funding for the requested positions exists in the Public Health budget, as certified by the Health and Human Services Director and concurred with by the County Administrator, and the Auditor-Controller; and
 - a. where internal candidates meet the qualifications for the position, the Clinic Nurse Manager position should be filled through an internal recruitment; and approve the hiring of one full time Clinic Nurse Manager at Range 84 (\$5,777- \$7,022); and authorize hiring up to the E step, depending upon qualifications; and
 - b. where internal candidates meet qualifications, the positions could be filled through internal recruitment, but open recruitments would be more appropriate to ensure qualified applicants apply; and approve the hiring of one APAR Nurse Practitioner at Range PT98 Step E (\$53.01/hr.), and one APAR Registered Nurse at Range PT78 (\$26.77-\$32.55); and
 - c. Delete one full time Registered Nurse (RN) or Public Health Nurse (PHN), should the internal recruitment for a Clinic Nurse Manager result in the vacancy of a full time RN or PHN position in the Public Health division.

CAO RECOMMENDATION:

SUMMARY DISCUSSION:

In June 2010, the HHS Public Health division was faced with the retirement of a key staff person, the longtime Health Clinic and Outreach Nurse Manager. Since that time, Public Health has restructured twice in an attempt to find the right staffing configuration to meet all program and supervision needs, and in the hope that we would be able to improve recruitment response for a highly specialized nurse practitioner position.

While our hope was to attract a full time nurse practitioner, the position has only briefly been filled in the past two years. Last fall, a qualified applicant applied, but ultimately declined the position. Therefore, a different staffing model has been developed to address the need for staff and clinical supervision in Public Health. The new configuration includes bringing the Health Clinic and Outreach Nurse Manager position back, now titled Clinic Nurse Manager, to provide supervision of nursing staff and leadership in the management of clinical operations; an APAR Nurse Practitioner to provide essential medical treatment, including physical examinations, identification of disease and illnesses and their treatment (such as breast and cervical cancer detection and sexually transmitted diseases); and an APAR Registered Nurse who will staff public health walk-in clinics, assist with California Children's Services nurse case management and prepare client charts and services to help support the Nurse Practitioner in the clinic.

Consistent with the scope of practice for a midlevel practitioner such as a nurse practitioner, a physician is required to be available for medical consultation services. Since 98% of the work of the nurse practitioner in Public Health clinics is the delivery of woman's health care, the physician should have either a family practice in which women's services are a large component or be a physician specializing in women's health. Therefore, Public Health will advertise a Request for Qualifications in order to establish a contract with an appropriately qualified physician to provide medical consultation.

In order to ensure adequate funding for both the Clinic Nurse Manager and the Nurse Practitioner positions, the Clinic Nurse Manager position must be filled through an internal recruitment so that an existing RN or PHN position can be deleted. Because the department is requesting an internal recruitment, we can anticipate that the successful candidate will move from either a Registered Nurse position at Range 80 or a Public Health Nurse position at Range 82, to a Range 84 as a Clinic Nurse Manager. Due to county personnel policy regarding promotion to a higher pay range, the successful candidate may need to be placed at a Range 84 Step E in order to receive at least 5% above present rate of pay. The department is seeking Board authorization to offer the position up to Range 84 Step E, should that be necessary.

If an internal recruitment fails to generate a qualified applicant, the department will continue to look for ways to cover all mandated services and programs, and to provide adequate clinical and personnel supervision. Alternative staffing configurations will be presented to the Board of Supervisors for approval, if necessary.

ALTERNATIVES:

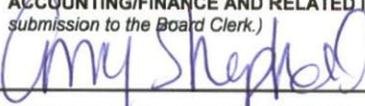
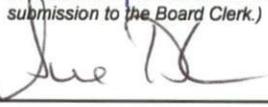
The Board could choose not to approve the re-structuring of Public Health and staff could continue to research other options in filling this position. Choosing not to restructure the staffing would keep the division dependent upon a contractual relationship for the delivery of nurse practitioner duties in an environment that demonstrates an ongoing shortage of nurse practitioners and nurses. Any vacancy leaves the Public Health division unable to continue to deliver care to our current clients and our county residents until the position is permanently filled.

OTHER AGENCY INVOLVEMENT:

None

FINANCING:

Funding for these positions are from State Health Budget funds, and Health Realignment funds. They would be budgeted in Health (045100), CARES Grant (641211), MCAH (641611), and CCS Administration (045501) in the Salaries and Benefits object codes. No County General Funds.

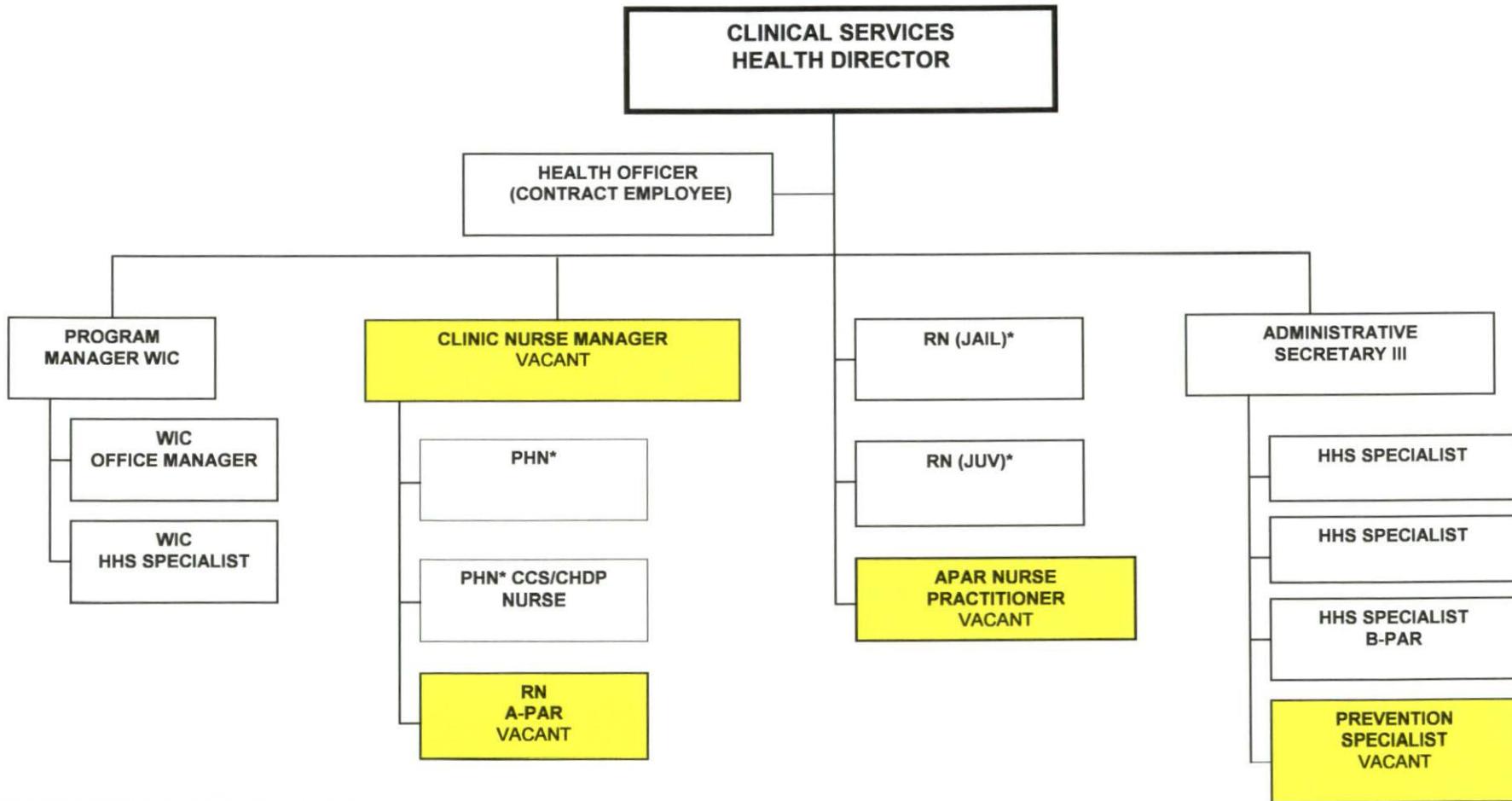
APPROVALS	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by County Counsel prior to submission to the Board Clerk.)</i> Approved: _____ Date: _____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the Auditor/Controller prior to submission to the Board Clerk.)</i>  Approved: <input checked="" type="checkbox"/> _____ Date: <u>2/10/12</u>
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the Director of Personnel Services prior to submission to the Board Clerk.)</i>  Approved: <input checked="" type="checkbox"/> _____ Date: <u>2/9/12</u>
BUDGET OFFICER:	BUDGET AND RELATED ITEMS <i>(Must be reviewed and approved by the Budget Officer prior to submission to the Board Clerk.)</i> Approved: _____ Date: _____

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)

 _____ Date: 2-14-12

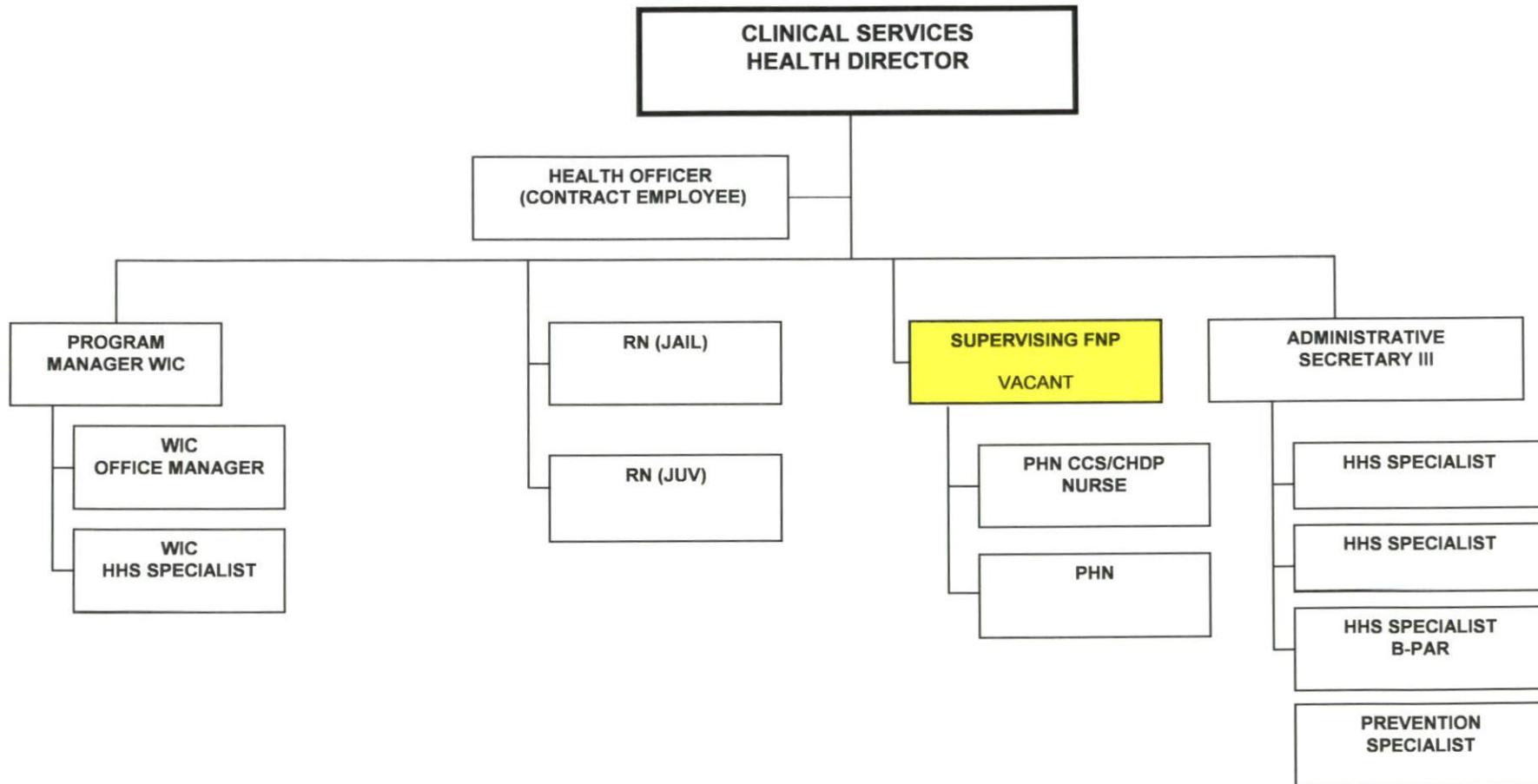
COUNTY OF INYO
HEALTH & HUMAN SERVICES (HHS)
PROPOSED PUBLIC HEALTH RESTRUCTURE
FEBRUARY 21, 2012



■ - VACANT POSITION

*If an internal recruitment for the Clinic Nurse Manager position results in a vacant full time RN or PHN position, delete that vacant position.

COUNTY OF INYO
HEALTH & HUMAN SERVICES
CURRENT PUBLIC HEALTH STAFFING STRUCTURE
(as of February 1, 2012)



■ - VACANT POSITION

ANNOUNCES A CLOSED DEPARTMENTAL RECRUITMENT FOR:

CLINIC NURSE MANAGER

DEPARTMENT: Health and Human Services

LOCATION: Countywide

SALARY: Range 84 \$5777 \$6064 \$6367 \$6681 \$7022**

****BENEFITS:** CalPERS Retirement System (2% at 55); employee contribution of 7% paid by Inyo County (EPMCreported as wages). Medical Plan – Inyo County pays a portion of monthly premium for employee and dependent on PERS Choice plan; 100% of employee and dependent monthly premium paid for dental and vision; \$20,000 term life insurance policy on employee. Vacation – 10 days per year during the first three years; 15 days per year after three years; 1 additional day for each year of service after ten years to a maximum of 25 days per year. Sick leave – 15 days per year. Flex (personal days) – 5 days per fiscal year. Paid holidays – 11 per year.

DEFINITION: To plan, organize, manage, and coordinate the programmatic, administrative, and operational activities in the public health clinics and outreach areas; to direct, manage, and supervise the work of assigned staff members; to perform a variety of technical and specialized functions in support of clinic and outreach areas of responsibility; to promote, coordinate, and participate in collaborative activities, programs, and projects; and to function as a proactive and positive member of a program management team within the Health and Human Services Department.

DISTINGUISHING CHARACTERISTICS: Provides responsible clinical, operational, and program management within the Health and Human Services Department; may be involved in the initiation, implementation and evaluation of assigned projects or program. Employees may also be responsible for performing a variety of professional, clinical, client case management, and or/technical duties and tasks in support of the assigned program or outreach areas and to ensure clients' needs are met; receives supervision from senior management positions as designated and exercises supervision over professional, technical, and/or clerical personnel; ability to work in the absence of the Clinical Services Director.

ESSENTIAL JOB DUTIES: Plans, organizes, and manages programmatic, administrative, and operational activities of several health programs based as clinic and outreach functions; oversees and coordinates the allocation of designated resources, and ensures compliance with stated mission, goals, regulations, and guidelines; establishes programs' objectives and performance standards; evaluates programs operations and activities in terms of overall effectiveness and compliance; implements improvements and modifications as necessary and adjusts overall goals and objectives in response to changing program directives and/or client needs; develops, coordinates, and participates in collaborative activities; acts as a team member or leader for assigned projects; develops, implements, and manages clinical, administrative, and operational systems and processes program staff and clients as well as other County Departments in a positive and supportive manner; provides professional and managerial expertise in support of assigned program areas; collaborates with appropriate departments and programs to secure advice, resources, and technical services necessary to achieve assigned program goals, objectives, and directives in accordance with mutually agreed upon time frames and in compliance with the pertinent guidelines and regulations; participates in budget preparation; represents the department and assigned programs to other organizations; local communities, and special interest groups, schools, businesses, clients, and the general public; acts as primary and major resource regarding assigned programs; responds to inquiries; promotes the department mission and goals; establishes and maintains open communication

with other department programs; coordinates data, resources, and work products as necessary and upon request in support of a productive and positive working environment.

MINIMUM QUALIFICATIONS:

Training/Experience: At least three years of progressively responsible clinical and/or administrative experience in a health agency including at least one year of supervisory responsibility. Must possess a current California Registered Nurse License. Nurses without a Public Health Nurse certificate must have worked in a public health environment or program for a minimum of two years.

A Public Health Nurse certificate is preferred.

Knowledge of: Principles and practices of designated professional discipline with specific knowledge and expertise of assigned programs and client services areas; pertinent local, state, and federal rules, regulations, and laws; standard and accepted office procedures, methods, and computer equipment; standard and accepted principles and practices of supervision, training, and performance evaluations; cultural, religious, economic and social groups and their relationships to the delivery and acceptance of health and human services.

Ability to: Organize, implement, and direct assigned program operations and activities; on a continuous basis, know and understand all aspects of the job, intermittently analyze work papers, reports, and special projects; identify and interpret technical and numerical information; observe and problem solve policy and procedures; interpret and apply pertinent Countywide and departmental policies and procedures; plan and organize assigned program and outreach services through multi-disciplinary and multi-agency programs that may include public, private, and contract agencies; assist in the development and monitoring of an assigned program budget; work with various cultural and ethnic groups in a tactful and effective manner; communicate clearly and concisely, both orally and in writing; supervise, train, and evaluate assigned staff; plan, organize, and schedule priorities for self and others in an effective and timely manner; establish and maintain effective working relationships with those contacted in the performance of assigned duties.

Must have physical ability to produce written documentation by hand or computer; sit, stand, walk, twist, and lift and carry up to 30 pounds; climb and descend stairs.

Special requirements: Must show proof of Rubella, Measles, and Hepatitis B immunizations; Incumbents must possess and maintain a valid California Registered Nurse License (with Public Health Nurse qualifications, if applicable) during the term of employment and *must provide proof of licensure at the time of application*. Must have physical ability to produce written documentation by hand or computer; sit, stand, walk, twist, and lift and carry up to 30 pounds; climb and descend stairs. Must possess a valid CPR certification and maintain during term of employment, and possess a valid California driver's license. Must successfully complete a pre-employment background check and physical examination, including drug screen.

NEPOTISM POLICY: A copy of Inyo County Personnel Rules and Regulations, Section 107, is available upon request.

SELECTION: Selection procedures will be determined by the number and qualifications of applicants and may include a qualification screening, written examination, and oral examination.

APPLICATION: Applications must be received no later than 5:00 p.m. on October 21, 2005 (postmarks not accepted). Must apply on Inyo County application form and include proof of valid California Registered Nurse License. A cover letter and/or resume will be accepted in addition to the application

form but will not serve as a substitute for a completed application. It is not acceptable to complete the application with statements like "See/Refer to Resume" or "See Attached". Incomplete applications will not be processed. Applications may be faxed to meet the deadline—original application with original signature must be mailed.

THIS RECRUITMENT WILL ESTABLISH AN ELIGIBILITY LIST THAT MAY BE USED FOR ONE YEAR IN FILLING COUNTYWIDE VACANCIES THAT MAY OCCUR IN THIS JOB CLASSIFICATION AND SALARY RANGE.

REASONABLE ACCOMMODATION FOR INDIVIDUALS WITH QUALIFYING DISABILITIES: Inyo County will make reasonable efforts in the examination process on a case-by-case basis to accommodate persons with disabilities. If you have special needs, please contact (760) 878-0295 prior to the examination process.

CITIZENSHIP/IMMIGRATION STATUS: Inyo County hires only U.S. citizens and lawfully authorized non-citizens in accordance with the Immigration Reform and Control Act of 1986.

The County of Inyo has work sites located throughout Inyo County in the Owens Valley (Independence, Bishop, Lone Pine, Big Pine, and Olancho) and the Death Valley area (Death Valley, Shoshone, and Tecopa). Additionally, the County of Inyo has work sites located in Mono County. Positions are assigned to a work site based upon the needs of the County. Positions may be temporarily or permanently reassigned to another work site as deemed necessary by the Department Head.



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

9

Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: Water Department

FOR THE BOARD MEETING OF: February 21, 2012

SUBJECT: Inyo County/Los Angeles Standing Committee Meeting – February 24, 2012

DEPARTMENTAL RECOMMENDATION:

A meeting of the Inyo County/Los Angeles Standing Committee is scheduled for February 24, 2012 in Bishop, California. Pursuant to Resolution 99-43 and the Long-Term Water Agreement, your Board sets policy for the County's representatives to the Standing Committee. The Water Department requests your Board provide direction to the County's Standing Committee representatives regarding the attached Draft Standing Committee agenda.

SUMMARY DISCUSSION:

Item #1 (Action) concerns approval of documentation of action items from the December 9, 2011 meeting. A draft memo is included.

Item #2 (Action) concerns a short policy document stating Standing Committee policies for responding to inquiries and comments from the public. This policy arises from prior Standing Committee requests to staff to draft such a policy for the Committee to consider.

Item #3 concerns status of the dispute related to procedures for addressing disputes over the Annual Operations Plan. On February 13, 2012, the mediation/arbitration panel submitted their findings, largely agreeing with LADWP's position that the Water Agreement's provisions for assessing the measurability, attributability, and significance of an impact must be followed when issues or disputes are raised regarding an Annual Operations Plan. Certain aspects of the arbitration panel's decision are favorable to the County: the panel indicated that the Water Agreement commits both parties to avoidance of negative impacts (LA has asserted that they may have negative impacts and mitigate for them after the fact), and that the agreement requires that every issue in which there is not agreement between the parties to be presented to the Technical Group for resolution (LADWP has attempted to minimize the Technical Group's role in numerous areas).

Item #4 concerns a report on the status of revegetation mitigation projects. The Technical Group and Water Commission have been briefed on the status of these projects, and this information item provides the Standing Committee with the same information. Briefly: some projects are meeting goals, others aren't.

Item #5 concerns the Lower Owen River Project (LORP). Staff will report on the Technical Group's progress developing the workplan for fiscal year 2012-2013. Also, a short presentation on the LORP Recreational Use Plan will be given by MIG, the consultant that produced the draft plan.

Item #6 concerns the Technical Group's work evaluating conditions in vegetation parcel Blackrock 94.

Item #7 concerns work done by staff to meet the Standing Committee's request to make progress on Green Book revisions. Staff has discussed some candidates for facilitating this effort and is setting up interviews. A memo is in preparation laying out the two perspectives that LADWP and Water Department staff have of how the procedures for installing new wells should be implemented. LADWP and Water Department staff are resuming discussion of how groundwater pumping should be managed. The schedule is not finalized. Note that vegetation monitoring has been included under this agenda item. Vegetation monitoring had arose as a separate item at the last two Standing Committee meetings, but staff agrees that it should properly be included with the Green Book work.

Item #8 concerns activities at Owens Lake, including Technical Group resolution of the dispute over whether the Water Agreement applies to Owens Lake, progress of the groundwater study evaluating the potential for groundwater to supply part of the water needs of the dust abatement project, and status of the Owens Lake Master Plan.

Item #9 concerns the status of land releases.

ALTERNATIVES:

OTHER AGENCY INVOLVEMENT:

LADWP.

FINANCING:

<u>APPROVALS</u>	
COUNTY COUNSEL: N/A	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i> Approved: _____ Date: _____
AUDITOR/CONTROLLER: N/A	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i> Approved: _____ Date: _____
PERSONNEL DIRECTOR: N/A	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i> Approved: _____ Date: _____

DEPARTMENT HEAD SIGNATURE:
(Not to be signed until all approvals are received)

Date: 2/14/2011

DRAFT AGENDA

INYO COUNTY/LOS ANGELES STANDING COMMITTEE

11:00 A.M.

February 24, 2011

Catholic Church

Bishop, California

The public will be offered the opportunity to comment on each agenda item prior to any action on the item by the Standing Committee or, in the absence of action, prior to the Committee moving to the next item on the agenda. The public will also be offered the opportunity to address the Committee on any matter within the Committee's jurisdiction prior to adjournment of the meeting.

1. **Action Item:** Approval of documentation of actions from December 9, 2011 meeting.
2. **Action Item:** Standing Committee policy for addressing questions from the public
3. Status of dispute concerning procedures for evaluating Annual Operations Plans.
4. Report on status of revegetation projects.
5. Lower Owens River Project
 - a. Annual report and work plan
 - b. Report on Recreational Use Plan
6. Report on status of evaluation of vegetation parcel Blackrock 94
7. Report on status of Green Book revisions
 - a. Facilitation
 - b. New and replacement well installation
 - c. Management of groundwater pumping
 - d. Vegetation monitoring
 - e. Schedule
8. Report on Owens Lake
 - a. Applicability of Inyo/Los Angeles Long-Term Water Agreement to Owens Lake
 - b. Groundwater study
 - c. Master Plan
9. Report on status of land releases
10. Public Comment
11. Confirm schedule for future Standing Committee meetings
12. Adjourn

Standing Committee meeting protocols (Adopted May 11, 2011)

The Inyo/Los Angeles Long-Term Water Agreement (LTWA) define the Standing Committee in Section II:

As agreed by the parties, the Department representatives on the Standing Committee shall include at least one (1) member of the Los Angeles City Council, the Administrative Officer of the City of Los Angeles, two (2) members of the Board of Water and Power Commissioners, and three (3) staff members. The County representatives on the Standing Committee shall be at least one (1) member of the Inyo County Board of Supervisors, two (2) Inyo County Water Commissioners, and three (3) staff members.

The LTWA further provides that:

Regardless of the number of representatives from either party in attendance at a Standing Committee or Technical Group meeting, Inyo County shall have only one (1) vote, and Los Angeles shall have only one (1) vote.

The Standing Committee adopts the following protocol for future Standing Committee meetings.

1. In order for the Standing Committee to take action at a meeting, representation at the meeting will consist of at least four representatives of Los Angeles, including one member of the Los Angeles City Council or Water and Power Commission, and four representatives of Inyo County, including one member of the Board of Supervisors.
2. A Chairperson from the hosting entity will be designated for each meeting.
3. In the event that an action item is on the meeting agenda, Los Angeles and Inyo County shall each designate one member to cast the single vote allotted to their entity at the onset of the meeting. The Chairperson may be so designated. Agenda items that the Standing Committee intends to take action on will be so designated on the meeting agenda.
4. If representation at a Standing Committee meeting is not sufficient for the Standing Committee to act, the Standing Committee members present may agree to convene the meeting for the purpose of hearing informational items.
5. Meeting agendas shall include any item within the jurisdiction of the Standing Committee that has been proposed by either party.
6. The public shall be given the opportunity to comment on any agenda item prior to an action being taken. The public will be given the opportunity to comment on any non-agendized issue within the jurisdiction of the Standing Committee prior to the conclusion of each scheduled meeting. At the discretion of the Chairperson, reports from staff or reopening of public comment may be permitted during deliberations.
7. The Chairperson may limit each public comment to a reasonable time period. The hosting entity will be responsible for monitoring time during public comment.
8. Any actions taken by the Standing Committee shall be described in an action item summary memorandum that is then transmitted to the Standing Committee at its next meeting for review and approval. This summary memorandum shall also indicate the Standing Committee members present at the meeting where actions were taken.
9. Standing Committee meetings shall be voice recorded by the host entity and a copy of the recording shall be provided to the guest entity.

INYO/LOS ANGELES STANDING COMMITTEE

Dedicated to the advancement of mutual cooperation



DRAFT MEMORANDUM

Date February 24, 2012

Subject: Agenda Item #1: Documentation of Actions Taken by Standing Committee at the September 9, 2011 Meeting

The Standing Committee's policy is to document any actions taken by the Committee in a memorandum at the subsequent meeting. Standing Committee members present at the December 9, 2011 meeting in Los Angeles were, for Inyo County, Supervisor Susan Cash, Supervisor Linda Arcularius, Water Commissioner Mike Prather, Water Commissioner Teri Red Owl, County Administrative Officer Kevin Carunchio, County Counsel Randy Keller, and Water Director Bob Harrington; and for Los Angeles, Councilmember Tom LaBonge, Commissioner Jonathan Parfrey, General Manager Ronald Nichols, Assistant General Manager James B. McDaniel, Water Quality and Operations Director Martin Adams, Assistant City Attorney Julie Riley, and Aqueduct Business Manager Gene Coufal.

No actions were taken at the December 9, 2012 Standing Committee meeting.

INYO/LOS ANGELES STANDING COMMITTEE

Dedicated to the advancement of mutual cooperation



MEMORANDUM

DRAFT February 24, 2012

Standing Committee Policy for Addressing Comments/Questions from the Public

The Standing Committee accepts public comment at its scheduled meetings according to the following policy adopted by the Standing Committee on May 11, 2011:

The public shall be given the opportunity to comment on any agenda item prior to an action being taken. The public will be given the opportunity to comment on any non-agendized issue within the jurisdiction of the Standing Committee prior to the conclusion of each scheduled meeting. At the discretion of the Chairperson, reports from staff or reopening of public comment may be permitted during deliberations.

The Standing Committee may also receive comments/questions in written form from members of the public. Either party may choose to respond, however, when responding to a public comment/question, whether verbally or in writing, any statements made by either party may represent the perspective of that party or the individual making the response, but not the Standing Committee as a whole, unless specifically agreed to as such by the Standing Committee. When either party responds in writing to public comment/question, that response will be concurrently provided to the other party.

1 Hon. Jack Komar (Ret.)
SBN: 38342
2 S. David Hotchkiss, Esq.
SBN: 76821
3 Philip W. McDowell, Esq.
SBN: 62071
4 JAMS – Silicon Valley
160 W. Santa Clara Street
Suite 1600, 16th Floor
5 San Jose, CA 95113

6 SUPERIOR COURT OF CALIFORNIA
7 COUNTY OF INYO

8
9 CITY OF LOS ANGELES; DEPARTMENT) Case No.: 12908
OF WATER AND POWER OF THE CITY)
10 OF LOS ANGELES,) ARBITRATION DECISION
11 Plaintiff,)
12 vs.)
13 BOARD OF SUPERVISORS OF THE)
COUNTY OF INYO; THE COUNTY OF)
14 INYO; JOHN K. SMITH, COUNTY)
ADMINISTRATIVE OFFICER; INYO)
15 COUNTY WATER COMMISSION; AND)
DOES 1 THROUGH 50,)
16)
17 Defendant)

18
19
20 The parties stipulated on November 7, 2011 mediation/temporary arbitration pursuant to
21 Section XXVI.C of the Water Agreement (incorporated in the stipulated judgment of the
22 Superior Court of Inyo County, Action Number 12908). The issue to be decided by arbitration
23 pursuant to stipulation of November 7, 2011, is as follows:

24 *Is the Technical Group required to follow Water Agreement Section IV.B and Green*
25 *Book Section I.C when making a determination regarding an alleged violation to the*
26 *vegetation goals of the Water Agreement arising out of an Annual Operations Plan?*

1 On December 13, 2011 (Los Angeles) and December 20, 2011 (County of Inyo),
2 confirmed the selection by the two party designated arbitrators and The Honorable Jack Komar
3 (Retired) as the Third Arbitrator to decide the issue along with the two party selected arbitrators
4 (David Hotchkiss, Esquire selected by the City of Los Angeles and Phil McDowell, Esquire
5 selected by the County of Inyo).

6 This matter came on regularly for hearing at the main office of the Los Angeles
7 Department of Water and Power building in Los Angeles on January 24, 2012 before the duly
8 selected arbitration panel. The City of Los Angeles was represented by Deputy City Attorneys
9 Julie C. Riley and David Edwards. The County of Inyo was represented by Inyo County Counsel
10 Randy H. Keller and Greg James, Esq. Also in attendance was Gene Coufel, Managing Water
11 Utility Engineer/Aqueduct Manager for the City of Los Angeles, Department of Water and
12 Power. The parties elected to proceed to arbitration hearing and waived any mediation
13 proceedings.
14

15 Having reviewed the briefs submitted by the parties together with supporting
16 documentation and considered the arguments of counsel, the arbitrators render their opinion.

17 In 1913, the City of Los Angeles ("City") completed an aqueduct that exported water from
18 the Owens Valley to supply the City. In 1970, the City completed a second aqueduct from the
19 Owens Valley to export surface and groundwater water from the Eastern Sierra region to supply
20 the City. In 1972, the County commenced a lawsuit against the City and its Department of Water
21 and Power ("LADWP") that alleged that the second aqueduct was a project under the newly
22 adopted California Environmental Quality Act ("CEQA"). It was found by the court that the
23 supply of water to the second aqueduct was a project under CEQA and an environmental impact
24 report ("EIR") on the project was required. Subsequently, two EIRs that were prepared by
25
26

1 LADWP were found by the court to be inadequate.

2 In 1991, following many years of litigation and negotiation, the City, LADWP and the
3 County (hereafter collectively referred to as the "parties" and individually as a "party") entered
4 into a Stipulation and Order for Judgment which resolved the CEQA litigation as well as other
5 litigation and disputes between the parties. The Stipulation and Order for Judgment is commonly
6 referred to as the Inyo County/Los Angeles Long Term Water Agreement or Water Agreement
7 and is hereafter referred to as the "Water Agreement." A document which specifies procedures
8 for implementing the Water Agreement called the "Green Book" is a technical appendix to the
9 Water Agreement.
10

11 Prior to adopting the Water Agreement, the City and LADWP, as the CEQA lead agencies
12 and the County as a CEQA responsible agency, adopted an EIR titled "Water from the Owens
13 Valley to Supply the Second Los Angeles Aqueduct—1970 to 1990 and—1990 Onward,
14 Pursuant to a Long Term Groundwater Management Plan." This document is hereafter referred
15 to as the "1991 EIR." As indicated by its title, the EIR addressed the impacts of water exports
16 from 1970 to 1990 and impacts that would result from the Water Agreement.
17

18 Due to litigation by third parties which challenged the adequacy of the 1991 EIR and
19 which was not resolved until 1997, the Water Agreement was not entered as an order of the Inyo
20 County Superior County until 1997. (See "History and Preliminary Statement" of Water
21 Agreement, section I.) Thus, the relationship of the parties is governed by 1991 EIR, the Water
22 Agreement and the Green Book. The latter two documents are incorporated as technical
23 appendices of the 1991.

24 LADWP's groundwater pumping is regulated according to its effect on vegetation.
25 Vegetation benchmarks are set to monitor compliance with the goals and terms of the Water
26

1 Agreement. (Beyond these explicit vegetation management goals, Section V of the Water
2 Agreement establishes a regime for the City's groundwater pumping program, including
3 procedures for the automatic turn-on/turn-off of wells when their operation affects groundwater-
4 dependent vegetation. These procedures and constant monitoring by the parties are a means of
5 identifying water management-caused problems before impacts occur. By continued adherence
6 to the operations and monitoring procedures called for by the Water Agreement and the Green
7 Book, the parties seek to avoid significant decreases and changes in vegetation from base line
8 conditions documented in 1984 to 1987. Id. Acting through the Technical Group and/or the
9 Standing Committee, the parties agreed to jointly monitor vegetation conditions and jointly
10 recommend mitigation measures if they concluded LADWP's groundwater pumping significantly
11 adversely affected or *could significantly adversely affect vegetation*.

14 The background of this dispute is not totally clear. Los Angeles asserts that Inyo County
15 acted outside the agreement and conducted a unilateral analysis of the L.A annual management
16 plan for 2012, submitting objections to the plan directly to the Standing Committee rather than
17 submitting the issue to the Technical Group for recommendation to the Standing Committee.
18 Although the actual evidence is sparse, it appears factually that in April of 2011 the City
19 presented its Annual Operations Plan for the current year as provided in section V.D. of the
20 Water Agreement. The County presented its objections to the Annual Operations Plan to the City
21 and expressed particular concern for the amount of water to be pumped from the Blackrock 94
22 area and reportedly offered technical information to the City to support the County's concern for
23 vegetation degradation if the planned amount of water was pumped in the Blackrock 94 area.
24 The city technical staff met during the section V.D comment and review period to attempt to
25
26

1
2 resolve the County's concerns. The City's technical staff disagreed with the County's
3 conclusion(s) and made no revision to the pumping plan.

4 While the actual facts are also not clear, it seems that in June of 2011 the county brought
5 the issue of vegetation degradation in Blackrock 94 to the Technical Group as outlined in Section
6 XXVI.B of the Water Agreement. The Technical Group is comprised of technical staff from the
7 city and the county, each side having one vote irrespective of the number of persons in each
8 technical staff. It is not clear whether the Technical Group ever met to decide the issue but
9 ultimately the matter was submitted to the Standing Committee without a recommendation from
10 the Technical Group.¹

11
12 The Technical Group is responsible for analyzing all current impacts, and all future or
13 projected impacts, to vegetation in the Owens Valley. The Technical Group is not limited, as has
14 been argued by the County, to an analysis of currently existing vegetation impacts based on past
15 groundwater pumping. The parties did not limit the applicability of the procedures in the Water
16 Agreement or the Green Book to determining only the impacts of past groundwater pumping. To
17 the contrary, the language of Section IV.B of the Water Agreement and Section I of the Green
18 Book contemplates the use of the Technical Group procedures for analyzing future impacts to
19 vegetation. The Green Book "describes methods for achieving the goals and principles for
20 vegetation management of the Agreement." (Green Book, Sec. I., p. 1). These methods include
21 joint monitoring and determination of impacts and mitigation by the Technical Group. Green
22

23
24 ¹ In August of 2011 at the Standing Committee meeting, while not resolving the underlying technical dispute, the
25 City reached an accommodation with the County and agreed to reduce pumping in the Blackrock 94 area while
26 increasing the pumping in other well fields by a commensurate amount. This accommodation was conditioned upon
the County's agreement to submit a procedural question to formal Dispute Resolution before this Arbitration Panel
(also, See Declaration of Robert Prendergast, attached to City's opening brief).

1 Book Section I.B provides that: "one means of achieving the management goals for the Owens
2 Valley vegetation is an extensive monitoring program developed with the intent of identifying
3 water management-caused problems before impacts occur." Section I of the Green Book further
4 underscores the parties' intent to use the Technical Group procedures for analyzing future
5 impacts to vegetation stating, "[i]f, through seasonal water balance calculations or through other
6 means, the Technical Group projects that significant decreases or changes in vegetation could
7 occur, the Technical Group will take such action as it deems feasible and necessary to avoid the
8 projected impact." (See Green Book Section I.C.2.d, emphasis added.)
9

10 The City of Los Angeles takes the position that all objections and requests for changes in
11 the annual operational plan submitted by the city must be addressed by the Technical Group in
12 accordance with Section IV.B of the agreement and Green Book Section 1.C.

13 The County of Inyo, on the other hand, interprets Section IV.B of the agreement and 1.C of the
14 Green Book to apply only to mitigation efforts when impacts may not have been avoided and not
15 to apply to the avoidance of prospective future impacts resulting from the adoption of an
16 operations and pumping plan. The reason for this interpretation is that the County seems to
17 conclude that that Section V.D. must be read separately and independently from the provisions
18 of Section IV.B, and therefore, when evaluating an Operational and Pumping Plan, the Technical
19 Group is not required to follow the procedures prescribed by Section IV.B and Green Book
20 Section 1.C .
21

22 While the issue agreed to be presented appears straight forward on its face, to determine
23 whether the Technical Group must follow the procedures the Agreement Section IV.B and Green
24 Book Section I.C, in evaluating an annual Operations plan, the *sub silencio* issue which was not
25 presented to the panel but is clear in the arguments is whether the Green Book plan requires that
26

1 there be evidence of harm to vegetation before implementing mitigation (avoidance) measures in
2 evaluating the operational plan. In other words, whether there must be actual harm demonstrated
3 to vegetation before modifications of the operational plan may be considered by the Technical
4 Group or whether the Technical Group can look beyond actual, demonstrable present harm and
5 project future harm from other evidence and circumstances.

6 Both the issue submitted and the underlying "*sub silent*" issues are questions of contract
7 interpretation.

8 ANALYSIS

9
10 Although the Water Agreement as a judgment of the Superior Court arises by operation
11 of law, California courts have held that, for certain purposes, a judgment is included within the
12 meaning of the term "contract." (See generally I Witkin Sum. Cal. Law (10th ed. 2010) Contracts,
13 § 115.) The Water Agreement, as its title suggests, is a negotiated agreement between the parties
14 containing specific terms which are contractual in nature. It is therefore subject to the rules of
15 interpretation applicable to contracts. "The fundamental rules of contract interpretation are based
16 on the premise that the interpretation of a contract must give effect to the 'mutual intention' of
17 the parties. 'Under statutory rules of contract interpretation, the mutual intention of the parties at
18 the time the contract is formed governs interpretation. (Civ. Code, § 1636.) Such intent is to be
19 inferred, if possible, solely from the written provisions of the contract. (*Id.*, § 1639.) The 'clear
20 and explicit' meaning of these provisions, interpreted in their 'ordinary and popular sense,'
21 unless 'used by the parties in a technical sense or a special meaning is given to them by usage'
22 (*id.*, § 1644), controls judicial interpretation. (*Id.*, § 1638.)" Ameron International Corp. v.
23 Insurance Co. of the State of Pennsylvania (2010) 50 Cal. 4th 1370, 1378. Where, as here, several
24 writings define the relationship of the parties, all must be given effect in the absence of an
25
26

1 inconsistency. (See I Witkin Sum. Cal. Law (9th ed. 2004 Supp.) Contracts § 687.) "The
2 language of a contract is to govern its interpretation, if the language is clear and explicit, and
3 does not involve an absurdity" CC sec. 1638. A contract must receive such an interpretation as
4 will make it lawful, operative, definite, reasonable, and capable of being carried into effect, if it
5 can be done without violating the intention of the parties" (CC 1643).

6 Examining the dispute resolution provisions of the agreement, Section XXVI.A sets forth
7 examples of disputes that are the subject to the dispute resolution provisions of the agreement.
8 Included in the long list of examples are Section XXVI.A.10 "consistency of a proposed
9 pumping program with the goals and principles of this Stipulation and Order," and XXVI.A.13 "
10 any other matter covered by or arising out of the Stipulation and Order or the Green Book."
11 Section XXVI.B requires all disputes between the parties, which would include the provisions of
12 a pumping or operational plan, to be submitted first to the Technical Group and then to the
13 Standing Committee in accordance with the specific provisions of that Section.
14

15 The EIR, the Agreement, and the Green Book, all contemplate that past and future
16 impacts must be monitored and addressed. Section 1.B of the Green Book specifies methods of
17 identifying potential changes in vegetation before they occur, and discusses measures to avoid or
18 remedy such potential changes and other impacts. Green Book Section 1.C addresses procedures
19 to be used to determine whether changes in vegetation have occurred or are occurring. Section
20 I.B of the Green Book states the policy of ensuring that changes to vegetation will not be caused
21 by excessive water pumping or management of surface water through the various monitoring
22 programs specified in the Book. The totality of monitoring processes and procedures in the
23 Green Book are designed to anticipate vegetation changes before they occur and to mitigate
24 against them when they do occur. The Environmental Impact Report, The Agreement, and the
25
26

1 Green Book. Green Book Section 1.C.2.D for example specifically authorizes Technical Group
2 action if "through water balance calculations or through other means, the Technical Group
3 projects that significant decreases or changes in vegetation *could* occur." (Emphasis added). The
4 Agreement by its terms in Section IV.B addresses a "potential significant effect on the
5 environment."

6 The Technical Group is required to follow Water Agreement Section IV.B and Green
7 Book Section I.C, as well as all the other provisions of the Agreement, the Green Book, and the
8 Environmental Impact report when making a determination regarding an alleged violation to the
9 vegetation goals of the water agreement arising out of an Operations Plan.²

10
11 Inyo County's proposed interpretation of the requirements of the procedures established
12 in the Green Book Section and the Agreement is inconsistent with the language in the documents
13 and would limit the application of the provisions of Sections I.B and IV.B, respectively, to
14 future impacts on vegetation only where there is evidence of past impacts.

15 Under that construction, the Technical Group would have to wait until damage occurred
16 before recommending a modification of the plan or there would be no basis for the Technical
17 Group based on the Green Book and the Agreement itself to ever promptly evaluate future
18 impacts on vegetation projected to be caused by an annual pumping plan. That would leave the
19 parties with an inability under the agreement to ever reasonably and rationally consider pursuant
20 to guidelines whether a pumping plan could be projected to have an impact on vegetation, and
21 would mean that the environmental impact report would fail of its purpose.

22
23 ² The 1991 Final Environmental Impact Report (FEIR) was certified by both parties and incorporated both the Water
24 Agreement and the Green Book in its technical appendices. The FEIR analyzed the Water Agreement and specified
25 that the Technical Group must consider all future impacts to vegetation. In its description of the management goals
26 and provisions of the Water Agreement, the FEIR states that the Technical Group will determine "*whether
significant adverse changes could occur or were occurring[.]*" (1991 FEIR, p. S-6 -7, emphasis supplied.)
Moreover, the Water Agreement itself is identified in the FEIR as a mitigation measure. (See FEIR S-11.) Under
Public Resources Code Section 21081.6 subdivision (b), mitigation measures must be fully enforceable.

1 Inyo asserts that the Los Angeles interpretation of the agreement and the Green Book
2 would preclude the County from ever challenging a Pumping and Operational Plan or that an
3 excessive period of time would be required to do the evaluation which itself could result in harm
4 to the vegetation in particular areas. The position of the County seems to be that dispute
5 resolution cannot be initiated until the Technical Group has reached a decision on the issue and it
6 has been forwarded to the Standing Committee and therefore the agreement and the Green Book
7 does not therefore provide a mechanism for the Technical Group to evaluate issues relating to the
8 operational plan.

9
10 But, in fact the submission to the Technical Group is the initiation of the dispute
11 resolution process and if the Technical Group cannot resolve the issue before harm occurs from
12 the plan, or if there is disagreement so that the parties in the technical group reach different
13 conclusions, then the technical group in good faith must report its inability to the Standing
14 Committee so that the dispute resolution process can proceed. The duty to cooperate in making
15 such a report of a disagreement is an implied duty that arises from the nature of the contract itself
16 as well from the implied covenant of good faith and fair dealing.

17
18 "Every contract imposes upon each party a duty of good faith and fair dealing in its
19 performance and its enforcement." The covenant of good faith finds particular application in
20 situations where one party is invested with a discretionary power affecting the rights of another.
21 Such power must be exercised in good faith" (Carma Developers (Cal.) Inc. v. Marathon
22 Development California, Inc. (1992) 2 Cal. 4th 342, 371-372 (6 Cal. Rptr. 2d 467, 826 P. 2d
23 710), internal citations omitted.) The City has total discretion in the formation of the Annual
24 Operations Plan. The Annual Operations Plan is submitted for a brief period of review and
25 comment, but ultimately it is the City's total unilateral decision to determine the Annual
26

1 Operation Plan and the amounts of water to be extracted in any given well field. This
2 discretionary power of the City in unilaterally determining the amounts of water to be extracted
3 provides for "particular application" (Carma v. Marathon) of the implied covenant of good faith
4 and fair dealing.

5 The Long-term Water Agreement and related documents commit both parties to the
6 avoidance of negative environmental/vegetation impacts in the geographical area covered by the
7 Water Agreement. A literal and time consuming application of Water Agreement section VI.B
8 and Green Book section I.C, for significance determination over months and years may result in
9 a fair and good faith result in evaluating existing impacts and appropriate mitigation plans.

10 However, if applied in this fashion they cannot effectively be used as a prognostic tool to avoid
11 future significant environmental impacts of a Annual Operations Plan and annual pumping plan
12 (the Consistency determination of the Annual Operations Plan). Therefore, the answer to the
13 Issue in dispute is that the Technical Group is required to follow the Significance-Mitigation
14 Determination process when it is applied to the Annual Operation Plan, particularly the annual
15 pumping plan.
16

17 However, the Technical Group must apply the Significance-Mitigation Determination
18 process in an expeditious fashion to allow cooperative resolution or dispute resolution timely.
19 Every agreement has an implied duty of good faith and fair dealing arising out of the express and
20 implied language of the agreement. Here, the agreement requires every issue in which there is
21 not agreement between the parties to be presented to the technical committee for resolution if it
22 can be resolved and the technical committee must address the issue using the standards
23 established in the Green Book. There clearly are different standards and guidelines explicitly and
24 implicitly within the Green Book depending on whether the issues relate to past practices
25
26

1 requiring mitigation or to an operational plan in which a party seeks to avoid harm to the
2 environment. Reiterating, disputes relating to "consistency of a proposed pumping plan with the
3 goals and principles of the stipulated order and the Green Book" must be dealt with in the first
4 instance in good faith by the technical committee and require the technical committee to in good
5 faith attempt to resolve the issue, and the failure to resolve the issue must be reported to the
6 standing committee forthwith so that the dispute resolution procedure can go forward.

7 The County has argued that requiring completion of Technical Group analysis of the
8 prospective impacts of the City's Annual Operations Plan before initiating dispute resolution will
9 result in intolerable delay and potential harm to the environment. The County's desire for swift
10 resolution of such issues is understandable, but does not provide a basis for ignoring that specific
11 conditions precedent be met before invoking dispute resolution. Section V.D. of the Water
12 Agreement details the role of the Technical Group in its review and modifications of the City's
13 Annual Operations Plan which includes a ground water pumping program. Section V. D. requires
14 that the Technical Group consider multiple factors in its review and comment process together
15 with a strict timetable for comments within 10 days of receipt of a proposed plan. There is a
16 continuing obligation on the part of the LADWP to provide information and records pertaining to
17 its operations throughout the water year and provision is made for modification of the program
18 "to meet changing conditions" as set forth in Section V. D.
19
20

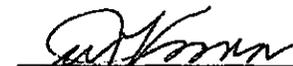
21 Every agreement has an implied duty of good faith and fair dealing arising out of the
22 express and implied language of the agreement. Here, the agreement requires every issue in
23 which there is not agreement between the parties to be presented to the Technical Group for
24 resolution if it can be resolved and the Technical Group must address the issue using the
25 standards established in the Green Book. There clearly are different standards explicitly and
26

1 implicitly within the Green Book depending on whether the issues relate to past practices
2 requiring mitigation or to an operational plan in which a party seeks to avoid future harm to the
3 environment. Reiterating, disputes relating to “consistency of a proposed pumping plan with the
4 goals and principles of the stipulated order and the Green Book” must be dealt with in the first
5 instance in good faith by the Technical Group and require the Technical Group to in good faith
6 attempt to resolve the issue, and the failure to resolve the issue must be reported to the Standing
7 Committee forthwith so that the dispute resolution procedure can go forward.

8 CONCLUSION

9
10 It is the unanimous opinion of the panel that the Technical Group is required in the
11 furtherance of dispute resolution to follow Water Agreement Section IV.B and Green Book
12 Section I.C when making a determination regarding an alleged violation to the vegetation goals
13 of the Water Agreement arising out of the Annual Operations Plan.

14
15 Dated this 13th day of February, 2012

16
17 
18 Hon. Jack Komar (Ret.)
19 Arbitrator Chair and for the Panel
20 Philip W. McDowell, Esq.
21 S. David Hotchkiss, Esq.

Carmen A. Trutanich

Los Angeles City Attorney's Office

Carmen A. Trutanich

Plaintiff

111 N Hope St., Ste. 340

Phone: 213-367-4500

P.O. Box 51111

Fax: 213-367-4588

Los Angeles, CA 90051

CTrutanich@lacity.org

Party Represented:

City of Los Angeles

Department of Water & Power

PROOF OF SERVICE BY EMAIL & U.S. MAIL

Re: City of Los Angeles, et al. vs. Board of Supervisors of the County of Inyo
Reference No. 1220043690

I, Josephine Care, not a party to the within action, hereby declare that on February 13, 2012 I served the attached Arbitration Decision on the parties in the within action by Email and by depositing true copies thereof enclosed in sealed envelopes with postage thereon fully prepaid, in the United States Mail, at San Jose, CALIFORNIA, addressed as follows:

S. David Hotchkiss Esq.
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Pasadena, CA 91104
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david.hotchkiss@mac.com
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Department of Water & Power

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Department of Water & Power

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Department of Water & Power

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NOT AVAILABLE

Parties Represented:
City of Los Angeles
Department of Water & Power

Philip McDowell Esq.
420 N Mountain View Rd
Bishop, CA 93514
cjmbishop@aol.com
Parties Represented:

I declare under penalty of perjury the foregoing to be true and correct. Executed at San Jose,

CALIFORNIA on February 13, 2012.



Josephine Care
jcare@jamadr.com



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

10

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: CLERK OF THE BOARD
By: Patricia Gunsolley, Assistant Clerk of the Board

FOR THE BOARD MEETING OF: February 21, 2012

SUBJECT: Approval of Minutes

DEPARTMENTAL RECOMMENDATION: - Request Board approve the minutes of the Board of Supervisors Meeting of February 7, 2012, as requested per draft provided.

SUMMARY DISCUSSION: - The Board is required to keep minutes of its proceedings. Once the Board has approved the minutes as requested the minutes will be made available to the public via the County's web page at www.inyocounty.us.

ALTERNATIVES: - Staff awaits your Board's changes and/or corrections.

OTHER AGENCY INVOLVEMENT: - n/a

FINANCING: n/a

APPROVALS

BUDGET OFFICER:	BUDGET AMENDMENTS <i>(Must be reviewed and approved by Budget Officer prior to being approved by others, as needed, and submission to the Assistant Clerk of the Board.)</i>
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the Assistant Clerk of the Board.)</i> Approved: _____ Date _____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the Assistant Clerk of the Board.)</i> Approved: _____ Date _____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the Assistant Clerk of the Board.)</i> Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received) _____ Date: _____
(The Original plus 20 copies of this document are required)



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

11

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: Personnel/Coroner

FOR THE BOARD MEETING OF: February 21, 2012

SUBJECT: Enact an Ordinance increasing the Compensation for Certain Elected County Officials, Excluding the Board of Supervisors

DEPARTMENTAL RECOMMENDATION:

Request Board enact an ordinance entitled "An Ordinance of the Board of Supervisors, County of Inyo, State of California, Amending Section 2.88.040 of the Inyo Code to Increase the Salary of Certain Elected Officials, Excluding Members of the Board of Supervisors" to increase the salary of the Coroner from \$1,600.00 to \$2,000.00 per month.

SUMMARY DISCUSSION

Based on direction from your Board, it is requested that you enact an ordinance entitled "An Ordinance of the Board of Supervisors, County of Inyo, State of California, Amending Section 2.88.040 of the Inyo County Code Increase the Salary for Certain Elected County Officials, Excluding Members of the Board of Supervisor."

ALTERNATIVES:

Your Board could choose to not to enact this proposed ordinance, or you could choose to make changes and direct this back to Staff to begin the process again. These alternatives are not recommended in that this ordinance is consistent with action taken by the Board and direction given to Staff.

OTHER AGENCY INVOLVEMENT

County Counsel, Personnel

FINANCING:

APPROVALS

COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by county counsel prior to submission to the board clerk.) Approved: _____ Date <u>2.10.12</u>
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.) Approved: _____ Date _____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.) Approved: _____ Date <u>2/10/12</u>

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received) _____ Date: _____

ORDINANCE NUMBER _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS, COUNTY OF INYO, STATE CALIFORNIA, AMENDING SECTION 2.88.040 OF THE INYO COUNTY CODE TO PROVIDE FOR INCREASES IN THE SALARY FOR CERTAIN ELECTED COUNTY OFFICIALS, EXCLUDING MEMBERS OF THE BOARD OF SUPERVISORS

The Inyo County Board of Supervisors do ordain as follows:

SECTION I: Authority

Government Code Section 25300 provides that the Board of Supervisors may set the compensation for elected officials by ordinance.

SECTION II: Purpose

The Board of Supervisors for the County of Inyo enacted section 2.88.040 of the Inyo County Code, which sets compensation to be received by elected county officials, excluding members of the Board of Supervisors. By this ordinance, the Board intends to provide for increases in the salary for certain elected officials.

SECTION III: Section 2.88.040 Amended to provide for increases in the salary for certain elected officials, excluding the Board of Supervisor.

Chapter 2.88, section 2.88.040 A. of the Inyo County Code is amended to read as follows:

- A. Salary: Salaries for each Elected Official listed below shall be paid in accordance with the procedures used to pay all other county officers and employees, as follows:

Title	October 1, 2008 through March 31, 2012	April 1, 2012 and on
Assessor	\$7,431.00	\$7,431.00
Auditor/ Controller	\$8,174.00	\$8,174.00
Clerk/Recorder	\$6,955.00	\$6,955.00
Coroner	\$1,600.00	\$2,000.00
District Attorney	\$9,807.00	\$9,807.00
Public Administrator	\$5,017.00	\$5,017.00
Sheriff	\$8,559.00	\$8,559.00
Tax Collector/Treasurer	\$7,431.00	\$7,431.00

SECTION IV: Severability.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Board hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of this ordinance would be subsequently declared invalid or unconstitutional.

SECTION V: EFFECTIVE DATE.

This ordinance shall take effect and be in full force and effect thirty (30) days after its adoption. Before the expiration of fifteen (15) days from the adoption hereof, this ordinance shall be published as required by Government Code Section 25124. The Clerk of the Board is hereby instructed and ordered to so publish this ordinance together with the names of the Board members voting for and against same.

PASSED AND ADOPTED this _____ day of _____, 2012,
by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Chairperson, Inyo County Board of Supervisors

ATTEST: Kevin Carunchio
Clerk of the Board

By: _____
Patricia Gunsolley
Assistant Clerk of the Board

DCH/BOARD.ORD



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER
13-14-15
16-17-18

- Consent
 Departmental
 Correspondence Action
 Public Hearing
 Scheduled Time for
 Closed Session
 Informational

FROM: COUNTY COUNSEL

FOR THE BOARD MEETING OF: February 21, 2012

SUBJECT: ISSUES TO BE DISCUSSED IN CLOSED SESSION

DEPARTMENTAL RECOMMENDATION:

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION [Pursuant to Government Code § 54956.9(c)]. Decision Whether to Initiate Litigation (one case).

PERSONNEL [PURSUANT TO GOVERNMENT CODE § 54957] - Public Employee Performance Evaluation Title: County Administrative Officer

PERSONNEL [Pursuant to Government Code § 54957] - Public Employee Appointment Title: Public Works Director

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: CAO Kevin Carunchio and Labor Relations Administrator Sue Dishion.

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.

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.

APPROVALS

COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by county counsel prior to submission to the board clerk.)  Approved: _____ Date: <u>2-14-12</u>
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DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)

(The Original plus 20 copies of this document are required)

 Date: 2-14-12