

# 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.

### August 28, 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.

#### AUDITOR – COUNTY ADMINISTRATOR

4. Request approval of a resolution titled "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Changing the Pay Period for County Employees from Semi-monthly to Bi-Weekly."

#### PUBLIC WORKS

5. Request approval of Amendment No. 6 to the Contract between the County of Inyo and Owenyo Services for the operation and maintenance of the Independence, Laws, and Lone Pine town water systems, extending the term through October 31, 2012 and increasing the total contract amount not to exceed to \$1,727,094.23, contingent upon the Board's adoption of a FY 2012-13 budget; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained.
6. Request Board appoint Mr. Martin Powell, Ms. Beverly Vander Wall, Mr. Jack Berry and Mr. Richard Gering to the Southern Inyo Airport Advisory Committee to complete four year terms ending June 1, 2016. (Notice of vacancy resulted in requests for appointment being received from Mr. Power, Ms. Vander Wall, Mr. Berry and Mr. Gehring.)

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

7. **COUNTY ADMINISTRATOR** – Request Board A) approve a resolution titled “A Resolution of the Board of Supervisors, County of Inyo, State of California, Approving the Declaration by the Director of Emergency Services for the County of Inyo, Confirming and Ratifying the Existence of a Local Emergency” related to severe thunderstorms which swept over eastern portions of Inyo County throughout the month of August, with the most violent storms occurring on August 21<sup>st</sup> and 22<sup>nd</sup>, 2012, and resulting in torrential rains and flash-flooding in the eastern portions of Inyo County; and B) authorize the County Administrator or his designee to make revisions to the resolution, as appropriate to reflect more information or if requested by the Office of Emergency Services, and to proceed in executing the resolution without further review by the Board.
8. **DISTRICT ATTORNEY** - Request Board find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the position exists as certified by the District Attorney and concurred with by the County Administrator and the Auditor-Controller; B) where internal candidates meet the qualifications for the position of Deputy District Attorney, the position could possibly be filled through an internal recruitment, however, an open recruitment is more appropriate to ensure the position is filled with the most qualified applicant; and C) approve the hiring of one Deputy District Attorney I at Range 76 (\$4,768 - \$5,796), II at Range 79 (\$5,115 - \$6,220), III at Range 82 (\$5,503 - \$6,681) or IV at Range 85 (\$5,919 - \$7,195), depending upon qualifications.
9. **PROBATION** - Request Board find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the position exists, as certified by the Chief Probation Officers and concurred with by the County Administrator and the Auditor-Controller; B) where internal candidates meet the qualifications for the position of B-Par Group Counselor, the position could be filled through a closed Countywide recruitment; and C) approve the hiring of one part-time B-Par (20-29 hrs. per week) Group Counselor I at range 062 PT (\$18.36 to \$22.33/hr.).
10. **PLANNING** – Request Board review the Forest Service's Proposed Project-level Predecisional Administrative Review Process and provide direction to staff.
11. **ROAD DEPARTMENT** – Request approval of the temporary closure of the following roads: Barlow Lane on September 5 and 6, 2012, See Vee Lane on August 28 and 29, 2012, and September 11 and 12, 2012; and the ratification of the closure of Barlow Lane on August 9, 2012; and allow the Road Commissioner to approve modification of the road closure dates contingent upon unforeseen circumstances such as storms, equipment failures, or availability of asphalt plant.
12. **COUNTY ADMINISTRATOR – Integrated Waste Management** – Request Board A) authorize the purchase of two 2012 Ford F-750 Water Sprayer Trucks in the amount of \$151,520.58 (price includes taxes and other fees) from Valew Quality Truck Bodies, contingent upon the Board's adoption of a FY 2012-13 budget; and authorize the County Administrator or his designee to execute all related purchase documents as required.
13. **CLERK OF THE BOARD** – Request approval of the minutes of the Board of Supervisors Meetings of A) the Special Meeting of August 8, 2012; and B) the Regular Meeting of August 14, 2012.

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

- 9:30 a.m. 14. **CARSON & COLORADO RAILROAD** – The Board will receive an update on the work being done to restore the Slim Princess from representatives of the Carson & Colorado Railroad.
- 11:00 a.m. 15. **HEALTH AND HUMAN SERVICES – ESAAA** – Request A) conduct a **public hearing** on the Eastern Sierra Area Agency on Aging 2012-216 Area Plan for Services for Planning and Services Area 16 (Inyo and Mono counties); and B) approve the Plan and authorize the Chairperson to sign the required Transmittal Letter.

**CORRESPONDENCE - ACTION**

**BOARD MEMBERS AND STAFF REPORTS**

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

**16. PUBLIC COMMENT**

**CLOSED SESSION**

17. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Deputy Sheriffs Association (DSA) - Negotiators: Labor Relations Administrator Sue Dishion, Information Services Director Brandon Shults, and Planning Director Josh Hart.
18. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Elected Officials Assistants Association (EOAA) - Negotiators: Chief Probation Officer Jeff Thomson and Labor Relations Administrator Sue Dishion.
19. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Inyo County Correctional Officers Association (ICCOA) - Negotiators: Labor Relations Administrator Sue Dishion.
20. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: ICEA - Negotiators: Labor Relations Administrator Sue Dishion, Director of Child Support Services Susanne Rizo, Chief Probation Officer Jeff Thomson.
21. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code § 54957.6].** – Instructions to Negotiators re: wages, salaries and benefits – Employee Organization: Inyo County Probation Peace Officers Association (ICPPOA) – Negotiators: CAO Kevin Carunchio and Labor Relations Administrator Sue Dishion.
22. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Law Enforcement Administrators Association (LEAA) - Negotiators: CAO Kevin Carunchio and Labor Relations Administrator Sue Dishion.

**REPORT ON CLOSED SESSION AS REQUIRED BY LAW**

**CORRESPONDENCE - INFORMATIONAL**



**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** August 28, 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 <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i><br><br>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><br><br>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 board clerk.)</i><br><br>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: Auditor/Personnel

FOR THE BOARD MEETING OF: August 28, 2012

SUBJECT: Changing the County pay periods

**DEPARTMENTAL RECOMMENDATION:**

Request Board approve Resolution 2012-\_\_\_ entitled "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Changing the Pay Period for County Employees from Semi-monthly to Bi-weekly."

**CAO RECOMMENDATION:**

**SUMMARY DISCUSSION:**

By approving this resolution your Board will authorize the pay period schedule for County employees. The current pay schedule is semi-monthly and the new pay periods will bi-weekly.

**ALTERNATIVES:**

Not approve and direct staff to come back with different alternatives.

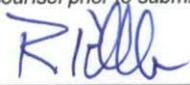
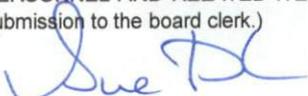
**OTHER AGENCY INVOLVEMENT:**

County Counsel

**FINANCING:**

No financial impacts with this action.

**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.)<br> Approved: _____ Date 8-22-12     |
| AUDITOR/CONTROLLER: | ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)<br> Approved: <input checked="" type="checkbox"/> Date 8/22/12    |
| PERSONNEL DIRECTOR: | PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)<br> Approved: <input checked="" type="checkbox"/> Date 8/22/12 |

**DEPARTMENT HEAD SIGNATURE:**

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

**A RESOLUTION OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF INYO, STATE OF CALIFORNIA,  
CHANGING THE PAY PERIOD FOR COUNTY EMPLOYEES FROM  
SEMI-MONTHLY TO BI-WEEKLY**

WHEREAS, the County of Inyo has traditionally paid its employees twice a month, or twenty-four periods each year; and

WHEREAS, as labor laws have evolved over the years it has become increasingly difficult to comply with those laws using the County's traditional pay period, reaching the point that the County cannot comply with the Fair Labor Standards Act; and

WHEREAS, changing the County's pay period to bi-weekly, or twenty-six paydays each year, enables the County to maintain compliance with the Fair Labor Standards Act (FLSA); and

WHEREAS, the County is required to comply with the FLSA and must take action to maintain such compliance; and

WHEREAS, switching to the bi-weekly period does not affect the annual pay of any County employee while ensuring compliance with all labor laws and, therefore, this Board is exercising its management right to commence the bi-weekly pay period; and

WHEREAS, the County has timed the change of pay periods to minimize the impact to its employees, who will experience small reductions in each paycheck but who will gain two additional paydays in each year; and

WHEREAS, County officers have met with all willing employees regarding the change and have explained the change to all employees and answered any and all questions about the change; and

WHEREAS, the County Auditor/Controller prepared individual pay statements for each employee in the County illustrating the change to each individual employee's paycheck and highlighting changes employees should make regarding deductions from their paychecks to maintain their personal finances; and

WHEREAS, the County Auditor/Controller has provided personal counseling for all employees requesting same to minimize negative consequences from the change of pay periods and to accommodate disruptions during the changeover; and

WHEREAS, the County has taken all steps it reasonably can to minimize the impact on its employees of the required pay schedule change.

NOW THEREFORE BE IT RESOLVED, that commencing Thursday, August 16, 2012, County employees will be paid bi-weekly on Friday for the two week period ending Wednesday of the previous week. Additionally, all non-salary benefits and charges will be adjusted over the additional pay periods to provide a neutral effect.

PASSED AND ADOPTED on this 28<sup>TH</sup> day of August, 2012, by the Inyo County Board of Supervisors, County of Inyo, by the following roll call vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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Marty Fortney, Chairperson  
Inyo County Board of Supervisors

ATTEST: KEVIN CARUNCHIO  
Clerk of the Board

By: \_\_\_\_\_  
Pat Gunsolley, Assistant



## AGENDA REQUEST FORM

BOARD OF SUPERVISORS

COUNTY OF INYO

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Consent        | <input type="checkbox"/> Departmental      | <input type="checkbox"/> Correspondence Action                                 |
| <input type="checkbox"/> Public Hearing | <input type="checkbox"/> Schedule time for | <input type="checkbox"/> Closed Session <input type="checkbox"/> Informational |

For Clerk's Use  
Only:

AGENDA NUMBER

5

FROM: Public Works Department

FOR THE BOARD MEETING OF: August 28, 2012

SUBJECT: Approve Amendment #6, extending the contract term and amount with Owenyo Services for the operation and maintenance of the Independence, Lone Pine and Laws Town Water Systems.

### DEPARTMENTAL RECOMMENDATIONS:

1. Approve Amendment #6 to the current Standard Contract #116 with Owenyo Services for the operation and maintenance of the Independence, Laws, and Lone Pine town water systems, extending the term through October 31, 2012; and increasing the total contract amount not to exceed \$1,727,094.23.
2. Authorize the Chairperson to sign the Amendment to the Contract contingent upon the appropriate signatures being obtained and upon the adoption of the 2012-2013 budget.

### CAO RECOMMENDATION:

### SUMMARY DISCUSSION:

Inyo County first entered into an agreement with Owenyo Services to provide operations and maintenance services for the Lone Pine, Independence and Laws water distribution systems on June 15, 1999. The current agreement with Owenyo Services was approved on June 26, 2007, and has been extended 5 times previously, most recently on June 26, 2012 for two months to extend to August 31, 2012. That extension as well as the one being requested today, was to provide staff more time to evaluate the proposals and negotiate a contract for the a longer term agreement for the operations and maintenance of the water systems.

The Public Works Department received proposals for the operation and maintenance of the three town water systems, and has been evaluating the responses. There have been a number of questions regarding the proposals and sometimes the answers have raised new questions. We are requesting another extension to finalize the evaluation of the proposals and finalize the agreement. Owenyo has agreed to continue to provide the services included in the contract for an additional two months at the same monthly cost as the existing contract (\$26,985.83 per month).

### ALTERNATIVES:

Your Board could deny the amendment to this contract and direct the Public Works Department to operate and maintain the system using county forces, however, that is not recommended as the Public Works Department does not have sufficient staffing or appropriate certificates to accomplish it.

### OTHER AGENCY INVOLVEMENT:

County Counsel  
Auditor

**FINANCING:**

Financing for this contract is included in the Preliminary and Proposed 2012-2013 budgets for the Lone Pine, Independence, and Laws water systems (15101, 152201, and 152301), object code 5265, Professional & Special Services. The funding is generally from water user fees established by Inyo County Ordinance 1008.

**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: yes Date: 8/21/12

AUDITOR/CONTROLLER

ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor/controller prior to submission to the board clerk.)

Approved: yes Date: 8/21/12

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: 8-22-12

**AMENDMENT NUMBER -6- TO  
AGREEMENT BETWEEN THE COUNTY OF INYO AND  
Owenyo Services  
FOR THE PROVISION OF INDEPENDENT CONTRACTOR SERVICES**

WHEREAS, the County of Inyo (hereinafter referred to as "County") and  
Owenyo Services, of Lone Pine, CA  
(hereinafter referred to as "Contractor"), have entered into an Agreement for the Provision of Independent  
Contractor Services dated June 26, 2007, on County of Inyo Standard  
Contract No. 116, for the term from July 1, 2007 to June 30, 2010.

WHEREAS, County and Contractor do desire and consent to amend such Agreement as set forth below;

WHEREAS, such Agreement provides that it may be modified, amended, changed, added to, or subtracted from, by the mutual consent of the parties thereto, if such amendment or change is in written form, and executed with the same formalities as such Agreement, and attached to the original Agreement to maintain continuity.

County and Contractor hereby amend such Agreement as follows:

Amend Section 2, TERM, to read as follows:

**2. TERM**

The term of the Agreement shall be from July 1, 2007 to October 31, 2012 unless sooner terminated as provided below.

amend Section 3, CONSIDERATION, D. to read as follows:

3.D. Limit upon amount payable under Agreement. The total sum of all payments made by the County to contractor for services and work performed under this Agreement shall not exceed One Million, Seven Hundred Twenty Seven Thousand, Ninety-Four and 23/100 Dollars (\$1,727,094.23) hereinafter referred to as "contract limit". County expressly reserves the right to deny any payment or reimbursement requested by contractor for services or work performed which is in excess of the contract limit.

The effective date of this Amendment to the Agreement is August 28, 2012.

All the other terms and conditions of the Agreement are unchanged and remain the same.

AMENDMENT NUMBER -6- TO  
AGREEMENT BETWEEN THE COUNTY OF INYO AND  
Owenyo Services  
FOR THE PROVISION OF INDEPENDENT CONTRACTOR SERVICES

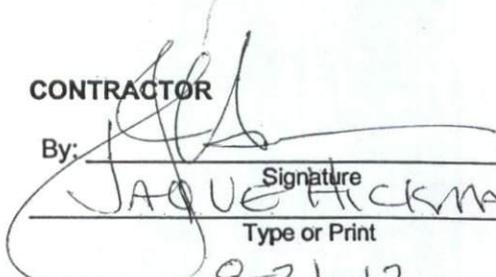
IN WITNESS THEREOF, THE PARTIES HERETO HAVE SET THEIR HANDS AND SEALS THIS  
\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

COUNTY OF INYO

By: \_\_\_\_\_

Dated: \_\_\_\_\_

CONTRACTOR

By:  \_\_\_\_\_

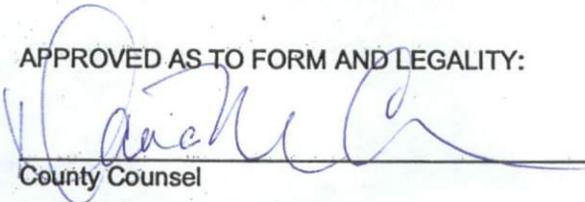
Signature

JACQUE HICKMAN

Type or Print

Dated: 8-21-12

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
County Counsel

APPROVED AS TO ACCOUNTING FORM:

\_\_\_\_\_  
County Auditor

APPROVED AS TO PERSONNEL REQUIREMENTS:

\_\_\_\_\_  
Director of Personnel Services

APPROVED AS TO RISK ASSESSMENT:

\_\_\_\_\_  
County Risk Manager



**AGENDA REQUEST FORM**  
**BOARD OF SUPERVISORS**  
**COUNTY OF INYO**

- Consent     Departmental     Correspondence Action     Public Hearing  
 Schedule time for     Closed Session     Informational

|   |
|---|
| For Clerk's Use Only:<br><b>AGENDA NUMBER</b><br><i>6</i> |
|---|

FROM: Public Works Department

FOR THE BOARD MEETING OF: August 28, 2012

SUBJECT: Appointment(s) to Southern Inyo Airport Advisory Committee

**DEPARTMENTAL RECOMMENDATIONS:**

Request the Board appoint Mr. Martin Powell, Ms. Beverly Vander Wall, Mr. Jack Berry and Mr. Richard Gering to the Southern Inyo Airport Advisory Committee to complete unexpired four year terms ending June 1, 2016. (Notice of vacancy resulted in requests for appointment being received from Mr. Martin Powell, Ms. Beverly Vander Wall, Mr. Jack Berry and Mr. Richard Gering.)

**CAO RECOMMENDATIONS:**

**SUMMARY DISCUSSION:**

There are a total of four vacancies on the Southern Inyo Airport Advisory Committee. Four responses were received. Mr. Martin Powell and Ms. Beverly Vander Wall are requesting reappointment. Please see the following letters from Mr. Martin Powell, Ms. Beverly Vander Wall, Mr. Jack Berry, and Mr. Richard Gering.

**ALTERNATIVES:**

The Board could elect not to fill the positions. This is not recommended as all the applicants have expressed interest in serving on the committee.

**FINANCING:**

The Airport Advisory Committee members are volunteers and receive no monetary compensation. There are no other costs to the County associated with filling the vacant position.

| <b>APPROVALS</b>   |   |
|--------------------|---|
| 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.)<br>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.)<br>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.)<br>Approved: _____ Date _____                           |

**DEPARTMENT HEAD SIGNATURE:**

(Not to be signed until all approvals are received) *[Signature]* Date: 8-20-12

July 25, 2012

Dear Board of Supervisors,

I am requesting reappointment to serve on the Southern Inyo Airport Advisory Board.

Sincerely,



Beverly Vander Wall

POST OFFICE  
2012 AUG -6 AM 8:09  
CLARK

**Pat Gunsolley**

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**From:** Martin Powell <mpowell@qnet.com>  
**Sent:** Thursday, August 09, 2012 11:03 AM  
**To:** Pat Gunsolley  
**Subject:** RE: LP Airport Board

To Whom it may concern:

I wish to remain on the Lone Pine Airport Advisory Committee.

Martin Powell

2012 AUG -9 AM 11:10  
RECEIVED  
MAY 10 2012

July 25, 2012

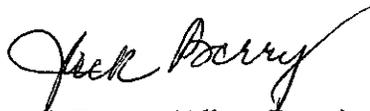
Board of Supervisors  
County of Inyo  
P.O.Box N  
Independence, CA 93526

RE: Southern Inyo Airport Advisory Committee

Dear Members of the Board:

I am interested in being appointed to serve on the Southern Inyo Airport Advisory Committee. I have lived in Inyo County for 55 years, have had a private pilot's license, and currently serve on the Southern Inyo Hospital Board of Directors. I feel that the Lone Pine Airport is very important to our community.

Thank you for your consideration,



Jack Berry (Albert Berry)  
P.O. Box 10  
Lone Pine, CA 93545

Board of Supervisors  
County of Inyo  
P.O. Box N  
Independence, CA 93526

RECEIVED  
JUL 23 2012  
10:00 AM

July 23, 2012

Dear Board Members,

I received mail from your office inquiring whether I would be interested in serving on the Southern Inyo Airport Advisory Committee.

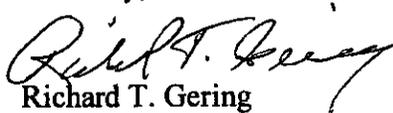
The answer to that inquiry is yes. I have been a citizen of Inyo County for approximately 17 years living in Death Valley and Lone Pine. During approximately 13 years of that period I have been a Board Member for the Southern Inyo County Health Care District. Currently I serve as the Board President.

Currently, I am very interested in getting the AWAS replaced at the Lone Pine Airport. It is a critical asset to hospital air evacuations. We have been refused air evacuation services occasionally due to not being able to provide current weather conditions to air evac units.

The air evacs are critical to our area due to our remote location and distances to highly defined care.

Thank you for any consideration.

Sincerely,

  
Richard T. Gering



## AGENDA REQUEST FORM

BOARD OF SUPERVISORS  
COUNTY OF INYO

For Clerk's Use Only:  
AGENDA NUMBER

7

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

FROM: County Administrator

FOR THE BOARD MEETING OF: August 28, 2012

SUBJECT: Resolution Confirming the OES Directors Declaration of Local Emergency

### DEPARTMENTAL RECOMMENDATION

Request your Board:

- a) approve a resolution entitled, "A Resolution of the Board of Supervisors, County of Inyo, State of California, Confirming and Ratifying the Declaration by the Director of Emergency Services for the County of Inyo, Proclaiming the Existence of a Local Emergency" related to severe thunderstorms which swept over eastern portions of Inyo County throughout the month of August, with the most violent storms occurring on August 21<sup>st</sup> and 22<sup>nd</sup>, 2012, and resulting in torrential rains and flash-flooding in the eastern portions of Inyo County; and,
- b) authorize the County Administrative Officer or his designee to make revisions to the resolution, as appropriate to reflect more information, or if requested by the Office of Emergency Services, and to proceed in executing the resolution without further review by your Board.

### SUMMARY DISCUSSION

As a result of severe weather conditions, including violent thunderstorms, which began during the month of August 2012, and resulted in torrential rains and flash-flooding in the eastern portions of Inyo County, a local emergency was proclaimed by the County's Director of Emergency Services on Wednesday, August 22, 2012. Pursuant to State law and the County Code, your Board must ratify this resolution within seven days for it to remain in full force and effect. Your Board must also review and confirm the continuance of the emergency at least every two weeks during regularly scheduled Board meetings. Declaring a local emergency is the first step that must occur to begin the process of accessing State OES, and possibly Federal funds to help with the costs incurred by the County and its residents.

Also, in order to seek assistance from the State, the County is required to estimate the amount of damage as a result of the emergency conditions. At the present time, the estimate for road and property restoration is in the hundreds of thousands of dollars. Once the appropriate Preliminary Damages Assessments (PDAs) and Initial Damage Estimates (IDE) are complete, more refined damage estimates will be forwarded, with the appropriate documentation to the State Office of Emergency Services.

### ALTERNATIVES

Your Board could choose not to ratify the Director's declaration of a local emergency, in which case the force and effect of the Director's proclamation would terminate today. Based on the damage that has occurred, and the ongoing commitment of resources and costs that will need to be allocated to the disaster, this is not recommended. It is expected that after final analysis, the amount and extent of damage will be increased or modified.

**OTHER AGENCY INVOLVEMENT**

Response to the disaster has been, and continues to be a multi-department and multi-agency effort, including: the Inyo County Sheriff's Department, Road Department, Public Works Department, County Counsel, the California Highway Patrol, Cal Trans and the Governor's Office of Emergency Services.

**FINANCING**

Costs information will be refined during the recovery process. The level and types of State and possible Federal support that might be forthcoming depends on the State OES Director's concurrence in the declaration of a local emergency, the Governor proclaiming a State Emergency in Inyo County, and the possible but unlikely Presidential declaration of emergency.

| <b><u>APPROVALS</u></b> |   |
|-------------------------|---|
| 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.)<br><br>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.)<br><br>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.)<br><br>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: 8-23-12

**RESOLUTION NO. 2012-  
A RESOLUTION OF THE  
BOARD OF SUPERVISORS, COUNTY OF INYO, STATE OF CALIFORNIA,  
CONFIRMING AND RATIFYING THE DECLARATION BY THE  
DIRECTOR OF EMERGENCY SERVICES FOR THE COUNTY OF INYO,  
PROCLAIMING THE EXISTENCE OF A LOCAL EMERGENCY**

**WHEREAS**, severe thunderstorms have swept over portions of Inyo County throughout the month of August, 2012; and

**WHEREAS**, this weather pattern has culminated, to date, with the most violent storms occurring on August 21<sup>st</sup> and 22<sup>nd</sup>, 2012, and resulting in torrential rains and flash-flooding throughout the eastern portions of Inyo County; and.

**WHEREAS**, these conditions have resulted in damage to, and the destruction of, miles of County highways, including an estimated 30-mile section of Death Valley Road, and 20 to 25-miles of portions of Saline Valley Road; and,

**WHEREAS**, Death Valley Road and Saline Valley Road are critical thoroughfares for residents and visitors that connect the population centers of Inyo County with the natural wonders of the Death Valley National Park; and,

**WHEREAS**, the extent of damage to County highways is still being assessed, and this effort is slowed by impassable road conditions marked by washouts and continued flooding; and,

**WHEREAS**, known road damage and destruction poses a threat to persons and property; and,

**WHEREAS**, road damage from the series of severe weather events is likely to extend beyond Death Valley and Saline Valley roads, affect other County highways, and take months and hundreds of thousands of dollars to repair; and,

**WHEREAS**, these conditions are likely to be beyond the services, equipment, personnel and fiscal resources of the County of Inyo; and,

**WHEREAS**, Government Code Section 8630, and Section 2.56.060 of the Inyo County Code empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when the County Board of Supervisors is not in session and Inyo County is threatened or likely to be threatened by the conditions of disaster or of extreme peril to the safety of persons and property that are or are likely to be beyond the control of the services, personnel, equipment and facilities of this County; and,

**WHEREAS**, Government Code Section 8630 and Inyo Code Section 2.56.060 also requires the Board of Supervisors to take action to ratify the proclamation of an Emergency by the Director of Emergency Services, within seven days thereafter, or the proclamation shall have no further force or effect; and,

**WHEREAS**, on August 22, 2012, when the County Board of Supervisors was not in session and could not be immediately called into session, the Inyo County Director of Emergency Services proclaimed an emergency in Inyo County per the attached declaration, as a result of the conditions described above; and,

**WHEREAS**, the Director of Emergency Services for the County of Inyo found that conditions of disaster and of extreme peril to the safety of persons and property have arisen in Inyo County, caused by the thunderstorms and torrential rains and these conditions are likely to be beyond the services, equipment, personnel and the fiscal resources of the County of Inyo.

**NOW, THEREFORE, BE IT RESOLVED**, that the Inyo County Board of Supervisors does hereby ratify the declaration of the Director of Emergency Services and proclaims the existence of a Local Emergency in Inyo County as a result of severe weather conditions, including violent thunderstorms sweeping over portions of Inyo County resulting in torrential rains and flash-flooding throughout the eastern portions of Inyo County; and

**BE IT FURTHER RESOLVED**, that the Inyo County Board of Supervisor's requests the Director of the Governor's Office of Emergency Services concur in this proclamation of a local emergency; and

**BE IT FURTHER RESOLVED**, that the Inyo County Board of Supervisors requests that the Governor of the State of California proclaim a State of Emergency; and

**BE IT FURTHER RESOLVED**, that the next regular meeting of the Inyo County Board of Supervisors will meet on August 28, 2012, at which time the Board will review the need for continuing the local emergency and, if appropriate, take action to terminate the local emergency as of the earliest possible date that conditions warrant.

**PASSED AND ADOPTED** this 28<sup>th</sup> day of August, 2012 by the following vote of the Inyo County Board of Supervisors:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

---

Chairperson, Inyo County Board of Supervisors

Attest: *Kevin D. Carunchio*  
Clerk of the Board

By: \_\_\_\_\_  
*Pat Gunsolley, Assistant*

**DECLARATION BY THE DIRECTOR OF EMERGENCY SERVICES  
FOR THE COUNTY OF INYO, STATE OF CALIFORNIA,  
PROCLAIMING EXISTENCE OF A LOCAL EMERGENCY**

**WHEREAS**, Government Code Section 8630, and Section 2.56.060 of the Inyo County Code empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when the County Board of Supervisors is not in session and Inyo County is threatened or likely to be threatened by the conditions of disaster or of extreme peril to the safety of persons and property that are or are likely to be beyond the control of the services, personnel, equipment and facilities of this County; and,

**WHEREAS**, the Inyo County Board of Supervisors is not currently in session and cannot immediately be called into session; and,

**WHEREAS**, the Inyo County Board of Supervisors shall take action to ratify this Proclamation within seven days thereafter or the Proclamation shall have no further force or effect; and,

**WHEREAS**, severe thunderstorms have swept over portions of Inyo County throughout the month of August, 2012; and,

**WHEREAS**, this weather pattern has culminated, to date, with the most violent storms occurring on August 21<sup>st</sup> and 22<sup>nd</sup>, 2012, and resulting in torrential rains and flash-flooding throughout the eastern portions of Inyo County; and,

**WHEREAS**, these conditions have resulted in damage to, and the destruction of, miles of County highways, including an estimated 30-mile section of Death Valley Road, and 20 to 25-miles of portions of Saline Valley Road; and,

**WHEREAS**, Death Valley Road and Saline Valley Road are critical thoroughfares for residents and visitors that connect the population centers of Inyo County with the natural wonders of the Death Valley National Park; and,

**WHEREAS**, the extent of damage to County highways is still being assessed, and this effort is slowed by impassable road conditions marked by washouts and continued flooding; and,

**WHEREAS**, known road damage and destruction poses a threat to persons and property as well as the economic well-being of the County; and,

**WHEREAS**, road damage from the series of severe weather events is likely to extend beyond Death Valley and Saline Valley roads, affect other County highways, and take months and hundreds of thousands of dollars to repair; and,

**WHEREAS**, these conditions are likely to be beyond the services, equipment, personnel and fiscal resources of the County of Inyo; and,

**WHEREAS**, the Director of Emergency Services for the County of Inyo does hereby find that conditions of disaster and safety of persons have arisen in Inyo County, caused by the thunderstorms and torrential rains and these conditions are beyond the services, equipment, personnel and the fiscal resources of the County of Inyo.

**NOW, THEREFORE, BE IT RESOLVED AND PROCLAIMED** by the Director of Emergency Services for the County of Inyo that, for the reasons set forth herein, a local emergency now exists throughout Inyo County; and,

**BE IT FURTHER RESOLVED AND REQUESTED** that the Secretary of the California Emergency Management Agency concur in this proclamation of a local emergency; and,

**BE IT FURTHER RESOLVED AND REQUESTED** that the Governor of the State of California proclaim a State Emergency in Inyo County; and,

**BE IT FURTHER RESOLVED, PROCLAIMED AND ORDERED** that during the existence of this local emergency the powers, functions, and duties of the emergency organization of this County shall be those prescribed by State law, by ordinances, and resolutions, and that this emergency shall be deemed to continue to exist until either the Governor of the State of California, or the Board of Supervisors of the County of Inyo, State of California, proclaims its termination, or if the Board of Supervisors of the County of Inyo does not ratify this proclamation within seven days of its issuance. Further, it is directed that this emergency proclamation be forwarded to the Secretary of the California Emergency Management Agency and the Governor of the State of California, with a request for any and all assistance, including that available under the California Disaster Assistance Act (CDAA).

**DECLARED** this 22<sup>nd</sup> day of August, 2012, by the Director of Emergency Services for the County of Inyo.



Kevin D. Carunchio, Director  
Office of Emergency Services  
County of Inyo, State of California



**AGENDA REQUEST FORM**  
**BOARD OF SUPERVISORS**  
**COUNTY OF INYO**

For Clerk's Use Only:  
**AGENDA NUMBER**  
 8

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

**FROM:** Arthur J. Maillet, District Attorney

**FOR THE BOARD MEETING OF:** August 28, 2012

**SUBJECT:** Request to fill the position of the Deputy District Attorney I-IV

**DEPARTMENTAL RECOMMENDATION:**

Request Board find that consistent with the adopted Authorized Position Review Policy:

- 1) The availability of funding for the requested position exists, as certified by the District Attorney concurred with by the County Administrator and Audit-Controller;
- 2) Where internal candidates meet the qualifications for the position, the vacancy could possibly be filled through an internal recruitment, though an open recruitment is more appropriate to ensure the position is filled with the most qualified applicant; and
- 3) Approve the hiring of one Deputy District Attorney I at Range 76 (\$4768-\$5796), Deputy District Attorney II at Range 79 (\$5115-\$6220), Deputy District Attorney III at Range 82 (\$5503-\$6681) or Deputy District Attorney IV at Range 85 (\$5919-\$7195) depending on their qualifications.

**CAO RECOMMENDATION:**

**SUMMARY DISCUSSION:**

The current Deputy District Attorney IV has given notice of termination of employment. It is essential that the District Attorney's Office have a full staff to adequately prosecute our heavy case load.

**ALTERNATIVES:**

None.

**OTHER AGENCY INVOLVEMENT:**

None

**FINANCING:**

| <b>APPROVALS</b>    |   |
|---------------------|---|
| 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.)<br>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.)<br><i>Kate Selby</i><br>Approved: <u>yes</u> Date <u>8/20/12</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.)<br><i>Sue D</i><br>Approved: <u>✓</u> Date <u>8/20/12</u>     |

**DEPARTMENT HEAD SIGNATURE:**

(Not to be signed until all approvals are received)

*Arthur J. Maillet*

Date: 8-21-12



**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:** Jeffrey L. Thomson, Chief Probation Officer

**FOR THE BOARD MEETING OF:** August 28, 2012

**SUBJECT:** Replacement Hiring of Part Time B Par Group Counselor I for Juvenile Center

**DEPARTMENTAL RECOMMENDATION:**

Request Board find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the requested position exists, as certified by the Chief Probation Officer and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates meet the qualifications for the position, the vacancy can be filled through a closed promotional and C) approve the hiring of one (1) part time B-Par Group Counselor I at Range 062 PT (~~\$3,426 - \$4,166~~ / 20 - 29 hours a week).

18.36 - 22.33/hr

**CAO RECOMMENDATION:**

**SUMMARY DISCUSSION:**

A part time position (B-Par Group Counselor I: 20 – 29 hours per week) at the Juvenile Center will become available at the end of August 2012.

The Juvenile Center is a 24 hour/7 days a week facility housing male and female juveniles. The Group Counselor works under the direction of and in cooperation with the Supervising Counselor. In summary, the Group Counselor: supervises and directs the conduct of juvenile detainees, receives and releases juveniles and their personal property; conducts intake process on all juvenile detainees, including pictures and fingerprints; visually and physically inspects juveniles in custody, their property, and their quarters for contraband; reports on group and individual attitudes and behavior; conducts group and individual counseling sessions; enforces discipline and maintains security; checks building and nearby grounds; supervises juvenile inmates in performance of routine custodial work; processes juvenile offenders for release from or transfer to detention facilities; maintains extensive inmate records; prepares written reports; and other related duties as assigned.

The Probation Department has hired numerous part time A-Par (working less than 19.99 hours per week) Group Counselors, said part time employees are well qualified, experienced, and trained and are interested in working more hours and in applying for a part time B-Par Group Counselor position. Therefore, we recommend a closed promotional within the Department.

**ALTERNATIVES:**

The Board could direct the Probation Department to continue without filling the vacant position or to open up the position to external applicants; however, this would place hardship on the other Juvenile Center Staff

members as they are already short-handed and there are numerous well qualified, trained, and experienced part time Group Counselors who could fill the position.

**OTHER AGENCY INVOLVEMENT:** N/A

**FINANCING:**

This is an authorized and budgeted position in the Probation – Juvenile Institution Budget 023100.

| <b><u>APPROVALS</u></b>           |   |
|-----------------------------------|---|
| COUNTY COUNSEL:<br><i>N/A</i>     | 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.)<br><br>Approved: _____ Date _____         |
| AUDITOR/CONTROLLER:<br><i>N/A</i> | ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)<br><br>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.)<br><br><i>[Signature]</i><br>Approved: <i>✓</i> Date <i>8/17/12</i> |

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

*[Signature]*

Date: *8/20/12*



**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:** Inyo County Planning Department

**FOR THE BOARD MEETING OF:** August 28, 2012

**SUBJECT:** Forest Service's Proposed Project-Level Predecisional Administrative Review Process

**RECOMMENDATION:** Review the Forest Service's Proposed Project-level Predecisional Administrative Review Process and provide direction to staff.

**SUMMARY DISCUSSION:** The U.S. Forest Service has proposed a project-level pre-decisional administrative review process for projects and activities implementing land and resource management plans developed under the Forest and Rangeland Renewable Resources Planning Act of 1974, and document with a Record of Decision or Decision Notice in lieu of the Appeal Reform Act. The proposal implements Section 428 of the Consolidated Appropriates Act of 2012. Attached is the Federal Register Notice describing the proposed Rule.

**ALTERNATIVES:** The Board could direct staff to prepare correspondence for the Chair's signature regarding the proposal with specific direction regarding the content, or provide input and direct staff to return with draft correspondence for the Board's consideration on September 4. Comments on the rule are due by September 7, 2012.

**OTHER AGENCY INVOLVEMENT:**

Department of Agriculture, U.S. Forest Service

**FINANCING:**

Resources from the general fund are utilized to monitor federal activities.

**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> |
| 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>                              |
| 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>                           |

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

A handwritten signature in blue ink, appearing to read "John West", is written over a horizontal line.

Date: 8-21-12

Attachments: Proposed Rule

**Authority:** 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703, 50 U.S.C. 191, 195; 33 CFR 1.05-1, 6.04-1, 6.04-6, 160.5; Pub. L. 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

2. Add § 165.T05-0694 to read as follows:

**§ 165.T05-0694 Safety Zone; Red Bull Flugtag, Delaware River, Camden, NJ.**

(a) *Definitions.* The following definitions apply to this section:

(1) *Coast Guard Patrol Commander* means a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Sector Delaware Bay.

(2) *Official Patrol* means any vessel assigned or approved by Commander, Coast Guard Sector Delaware Bay with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(3) *Participant* includes all vessels participating in the Red Bull Flugtag Camden under the auspices of a Marine Event Permit issued to the event sponsor and approved by Commander, Coast Guard Sector Delaware Bay.

(4) *Regulated area* includes the boundary described as originating from the shoreline then west to 39°56'54" N, 075°07'59" W then north to 39°56'58" N, 075°07'58" W then east to the shoreline.

(b) *Regulations.* (1) Except for event participants and persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the regulated area shall:

(i) Stop the vessel immediately when directed to do so by any Official Patrol.

(ii) Proceed as directed by any Official Patrol.

(iii) When authorized to transit the regulated area, all vessels shall proceed at the minimum speed necessary to maintain a safe course that minimizes wake near the event area.

(c) *Effective period.* This section will be enforced from 10 a.m. to 5 p.m. on September 15, 2012.

Dated: July 26, 2012.

**T. C. Wiemers,**

*Captain, U.S. Coast Guard, Acting Captain of the Port, Delaware Bay.*

[FR Doc. 2012-19345 Filed 8-7-12; 8:45 am]

**BILLING CODE 9110-04-P**

**DEPARTMENT OF AGRICULTURE**

**Forest Service**

**36 CFR Part 218**

**RIN 0596-AD07**

**Project-Level Predecisional Administrative Review Process**

**AGENCY:** Forest Service, USDA.

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** This proposed rule establishes the sole process by which the public may file objections seeking predecisional administrative review for proposed projects and activities implementing land management plans, including projects authorized pursuant to the Healthy Forests Restoration Act of 2003 (HFRA). The Consolidated Appropriations Act of 2012 directs the Secretary of Agriculture, acting through the Chief of the Forest Service, to provide for a pre-decisional objection process for proposed actions of the Forest Service concerning projects and activities implementing land and resource management plans developed under the Forest and Rangeland Renewable Resources Planning Act of 1974, and documented with a Record of Decision (ROD) or Decision Notice (DN). Section 428 further directs the Secretary to apply these procedures in lieu of the Appeal Reform Act (ARA), which provided for a postdecisional administrative appeal process. The proposed rule also establishes procedures concerning how the Forest Service will provide notice for such projects and activities. The Forest Service invites written comments on this proposed rule.

**DATES:** Comments on this proposed rule must be received in writing by September 7, 2012. Comments concerning the information collection requirements contained in this proposed rule must be received in writing by October 9, 2012.

**ADDRESSES:** Send written comments to USDA Forest Service, Objection Regulation Comments, P.O. Box 4654, Logan, UT 84323; by electronic mail to [ObjectionRegulation@fscomments.us](mailto:ObjectionRegulation@fscomments.us); by fax to 435-750-8799; or by the electronic process available at the Federal eRulemaking portal at <http://www.regulations.gov>.

The public may inspect comments received on this proposed rule at USDA, Forest Service, Ecosystem Management Coordination Staff, 1400 Independence Ave. SW., Washington, DC, between 8:00 a.m. and 4:30 p.m. on business

days. Those wishing to inspect comments should call ahead 202-205-0895 to facilitate an appointment and entrance to the building.

Comments concerning the information collection requirements contained in this proposed rule should reference OMB No. 0596-0172 and the docket number, date, and page number of this issue of the *Federal Register*. Comments concerning the information collection requirements may be submitted as provided for comments on the proposed rule. For more information, see **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** Deb Beighley, Assistant Director, Appeals and Litigation at 202-205-1277.

Individuals using telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8:00 a.m. and 8:00 p.m. Eastern Standard Time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** If comments are sent by electronic mail or by fax, the public is requested not to send duplicate written comments via regular mail. Please confine written comments to issues pertinent to the proposed rule; explain the reasons for any recommended changes; and, where possible, reference the specific section or paragraph being addressed.

The <http://www.regulations.gov> Web site is an "anonymous access" system, which means the Forest Service will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the Forest Service without going through <http://www.regulations.gov>, your email address will be automatically captured and included as part of the comment that is placed in the public record. If you submit an electronic comment, the Forest Service recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If the Forest Service cannot read your comment due to technical difficulties and cannot contact you for clarification, the Agency may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

All timely and properly submitted comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received on this proposed rule at USDA, Forest Service,

Ecosystem Management Coordination Staff, 1400 Independence Ave. SW., Washington, DC, between 8:00 a.m. and 4:30 p.m. on business days. Those wishing to inspect comments should call ahead 202-205-0895 to facilitate an appointment and entrance to the building.

#### Background

On December 23, 2011, President Obama signed into law the Consolidated Appropriations Act of 2012. Section 428 of the Act (hereafter "Section 428") directs the Secretary of Agriculture (Secretary), acting through the Chief of the Forest Service (Chief), to provide for a predecisional objection process based on Section 105(a) of the Healthy Forests Restoration Act of 2003 (HFRA) (16 U.S.C. 6515(a)), for proposed actions of the Forest Service concerning projects and activities implementing land management plans and documented with a Record of Decision or Decision Notice. The Act further directs that these procedures be applied in lieu of subsections (c), (d), and (e) of Section 322 of Public Law 102-381 (16 U.S.C. 1612 note) (Appeal Reform Act or ARA) that collectively provide for a postdecisional administrative appeal process for projects and activities implementing land management plans. The Department has developed this proposed rule to: (1) Preserve the predecisional objection process already in place for proposed hazardous fuel reduction projects authorized under the HFRA; (2) expand the scope of that objection process to include other covered actions; and (3) establish a process for providing the notice and comment provisions of the ARA.

President Bush signed into law the Healthy Forests Restoration Act of 2003 (HFRA) to reduce the threat of destructive wildfires while upholding environmental standards and encouraging early public input during planning processes. One of the provisions of the Act (sec. 105) required the Secretary to issue an interim final rule establishing a predecisional administrative review process for hazardous fuel reduction projects authorized by the HFRA. The interim final rule was promulgated at 36 CFR part 218 on January 9, 2004 (69 FR 1529), followed by a final rule on September 17, 2008 (73 FR 53705) that incorporated the results of public comment and the knowledge gained through the Agency's experience with implementing the rule.

Congress enacted the ARA in 1992. The ARA states that "the Secretary of Agriculture, acting through the Chief of the Forest Service, shall establish a

notice and comment process for proposed actions of the Forest Service concerning projects and activities implementing land and resource management plans \* \* \* and shall modify the procedure for appeals of decisions concerning such projects." ARA section 322(a), 106 Stat. 1419. The ARA (ARA § 322(c), 106 Stat. 1419) further provided that qualifying individuals may file an appeal "[n]ot later than 45 days after the date of issuance of a decision of the Forest Service concerning actions referred to in subsection (a) \* \* \*." The Department promulgated implementing regulations for the ARA at 36 CFR part 215 in 1993 and revised them in 2003.

Prior to passage of the HFRA, public notice and comment for hazardous fuel reduction project proposals, and appeal of the decisions, would have been conducted according to the procedures set out at 36 CFR part 215. The HFRA objection rule exempts qualifying hazardous fuel reduction projects from the notice, comment, and appeal procedures set out at part 215 and establishes separate objection procedures specifically for hazardous fuel reduction projects, pursuant to 36 CFR part 218.

Now, through Section 428, Congress has directed the Secretary to apply the predecisional objection established in part 218, in place of the appeal provisions at part 215, for proposed actions regarding projects and activities implementing land management plans and documented with a Record of Decision (ROD) or Decision Notice (DN). The Department has determined the most appropriate way to carry out this direction is to revise part 218, by amending subparts A and B, and creating subpart C.

Subpart A includes general provisions applicable to HFRA and non-HFRA covered projects and activities.

Subpart B provides additional direction that is specific to proposed actions not authorized under the HFRA. This subpart includes the notice and comment requirements directed by subsection (b) of the ARA and the emergency situation provisions directed by Section 428.

Subpart C provides additional direction that is specific to proposed hazardous fuel reduction projects authorized under the HFRA.

#### Administrative Review of Categorically Excluded Projects

On March 19, 2012, the U.S. District Court for the Eastern District of California found that Forest Service regulations exempting project decisions from notice, comment, and appeal when

they are categorically excluded from analysis under the National Environmental Policy Act (NEPA) are in violation of the ARA and enjoined the Forest Service from following these regulations. The court's nationwide injunction precludes use of Forest Service notice, comment, and administrative appeal regulations, 36 CFR 215.4(a) and 215.12(f). The court held the 215 regulations conflict with the plain language of the ARA, claiming that Congress did not intend to exclude from notice, comment, and appeal actions that were categorically excluded from documentation under the NEPA. The Department promulgated the regulations pursuant to the Agency's reasonable interpretation of the ARA and the Government has appealed the ruling to the U.S. Court of Appeals for the Ninth Circuit.

The Department is concerned that statements made in the District Court's opinion regarding prudential mootness of litigation concerning 36 CFR part 215 may confuse the public regarding the Congressional intent with respect to the enactment and promulgation of regulations implementing Section 428. While the District Court noted that Section 428 did not change Section 322(a) and (b) of the ARA, the Court's order did not address the full implication of the enactment of Section 428. Section 428 is an amendment of Section 322, and the revised statutory scheme must be read as whole; the existing provisions of Section 322 must be read in harmony with the new provisions of Section 428.

Section 322(a) commands an integrated regulatory system of notice, comment, and appeal for covered projects. Section 322(b) establishes the notice system for such projects. Through Section 428, the post-decisional appeal system of Section 322(c)-(e) has been replaced by a predecisional objection process that is similar to the HFRA administrative review process in that it is exclusively applicable to projects and activities evaluated in an environmental analysis (EA) or environmental impact statement (EIS). Congress gave no indication that it intended differential treatment between the scope of coverage for the notice and comment provisions for "such projects" compared to the activities to be covered by the new predecisional objection process (which are expressly limited in the statutory text to decisions documented in DNs and RODs).

The Department is aware that plaintiffs proffered an alternative view suggesting Congress intended to create a third separate administrative review system with the result being the use of

three appeal processes: an administrative review system under Section 105 of HFRA for HFRA predecisional objections; an administrative review system under Section 428 establishing a non-HFRA predecisional objection process; and an independent, residual post-decisional appeal system under Section 322.

During the pendency of the appeal of the District Court's ruling, the Forest Service has instructed its line officers to abide and comply with the District Court's orders. Further, the Department is aware that Congress is presently considering legislation clarifying notice, comment, and appeal of categorical exclusions. Rather than delay in their entirety the implementation regulations under Section 428, the Department has elected to move forward with the portion of the Section 428 rulemaking that addresses projects associated with EAs and EISs, but reserves and defers promulgation of regulations addressing categorically excluded projects and activities. Within the comment period provided for by this proposed rule, the public may provide written comments concerning treatment of such projects in the future by the Forest Service.

#### **Use of Legal Notices To Initiate Opportunities To Comment and Object**

Since 1990 the Agency has relied on the publication of notices in the legal notices section of newspapers of general circulation as the means to make interested and affected parties aware that a plan or project decision has been made. Even more significantly, because the legal notice is not the only means used to provide decision notification, the publication date of legal notices has been used as the sole trigger initiating the start of an appeal filing period. Beginning in 1993, legal notices have also been used to notify and initiate the 30-day comment period mandated by the Appeal Reform Act.

Prior to 1990, the beginning of appeal filing periods were based on the date of the plan or project decision. Deciding officers were required to promptly mail the appropriate decision document to those who had requested it and those who were known to have participated in the decision making process, with the intention that those wishing to utilize the administrative appeal process would have the maximum time available to them.

The switch to requiring the publication of legal notices and using the publication date to initiate the appeal filing period was made to address problems notifying all potentially affected individuals and organizations in enough time that they

had the full time available to file an appeal. The causes of these problems included inadvertent failure to identify all interested or potentially affected individuals and organizations, and the delay between when a decision was signed and when a potential appellant received a mailed notice of the decision or otherwise learned of the decision. The reliance on a legal notice publication date was seen as providing an additional and reliable source of notification that would maximize the time available for filing a notice of appeals, and establishing a uniform, service-wide mechanism that provides convincing evidence that the Agency has given timely and constructive notice of decisions to the public.

Although legal notices have been used, generally with success, in this manner for the past two decades, they are still an imperfect solution for some potential appellants. Not all appellants have ready access to the newspaper of record used for the project decision they are interested in and, even if access is available, it can be a burden to keep close watch on the legal notices section of a paper for the appearance of a notice announcing the decision for a particular project.

There are also issues from the Agency's perspective with the use of legal notices. Some newspapers only publish weekly, which can cause delays in getting a notice published in a timely manner. Also, legal notices can be quite expensive, costing in the hundreds of dollars in a newspaper of larger circulation.

The rationale in support of, and the arguments against, the use of legal notices have changed little in the past 20 years. One thing that has changed is the availability of new communications technology, including email, web pages, and social media. The Department believes that within these tools is the potential to provide more effective means of providing timely notifications to those who may be interested in providing comment on a project proposal or who wish to be eligible to submit an objection for administrative review. Even so, these technologies may still not be a solution for all. As widespread as communications technology has become, it is still not used by all citizens.

This proposed rule does not vary from the standard practice of requiring legal notices to notify and establish the beginning dates for the 30-day comment periods and objection filing periods. Still, the Department is open to suggestions on an improved means of providing timely notification to all interested and affected individuals so

that the full comment period or objection filing period is available. Comments and suggestions concerning this aspect of the administrative review procedures will be considered when developing a final rule.

#### **Page Limits for Objections**

Several persons within and outside the Forest Service have suggested imposing a limitation on the number of pages permitted for objections and appeals. These proponents contend that limiting the number of pages would encourage a more focused presentation of issues regarding an Agency proposal or decision and provide for a more effective review of the issues being raised.

The Agency's appeal and objection regulations have had no limitations on the number of pages that could be filed, and historically these filings have included from 1 to well over 100 pages, exclusive of attachments or exhibits. The Department of the Interior's Board of Land Appeals currently imposes a 30-page limitation on appeals, and some have suggested this would be an appropriate limitation for Forest Service objections and appeals. Consideration would also be given to including documents incorporated by reference, attachments, or exhibits as part of any page limitation that might be imposed.

Although there is no page limitation on objections included in this proposed rule, the Department is taking public comment on this topic now for consideration when a final rule is developed.

#### **Section-by-Section Description of Proposed Rule**

##### **Part 218—Project-Level Predecisional Administrative Review Process**

###### *Subpart A—General Provisions*

###### **Section 218.1—Purpose and Scope**

This section describes the purpose and scope of a predecisional administrative review (hereinafter "objection") process for projects and activities implementing land management plans, including proposed hazardous fuel reduction projects authorized by the Healthy Forests Restoration Act (HFRA).

###### **Section 218.2—Definitions**

This section defines some of the commonly used terms and phrases in the proposed rule.

###### **Section 218.3—Reviewing Officer**

Paragraph (a) of this section establishes who has the authority to carry out the responsibilities of the reviewing officer.

Paragraph (b) provides the reviewing officer with the authority to make all procedural determinations not specifically explained in this part, including those procedures necessary to ensure compatibility, to the extent practicable, when undertaking a joint proposed project subject to each agency's administrative review procedures. The section also provides that such procedural determinations are not subject to further review.

#### Section 218.4—Proposed Projects and Activities Not Subject to Objection

This section establishes that when no timely and qualifying comments (§§ 218.2 and 218.25) are received, a proposed project or activity is not subject to objection. This is because there would be no eligible objectors (§ 218.5) if no timely and qualifying comments are submitted.

#### Section 218.5—Who May File an Objection

This section of the rule identifies the qualifying requirements for who may file an objection under this subpart.

Paragraph (a) provides that those individuals and non-Federal entities who have submitted specific and timely written comments regarding the proposed project or activity during a designated opportunity for public comment provided during preparation of an environmental assessment or environmental impact statement for the proposed project or activity are eligible to file an objection. Paragraph (a) further states that for a proposed project or activity described in an environmental impact statement, the opportunity for public comment would be fulfilled during scoping, by the formal comment process for draft environmental impact statements set forth in 40 CFR 1506.10, and any other periods public comment is specifically requested. For proposed actions described in an environmental assessment, the opportunity for public comment will be fulfilled during scoping or any other periods public comment is specifically requested, as environmental assessments are not required to be circulated for public comment in draft form.

Paragraph (b) states that when an organization submits specific written comments, eligibility is conferred on that organization only, not on individual members of that organization. The Department will treat an organization as its own entity for purposes of submitting comments and determining eligibility to file objections. The Department will not accept individual members of organizations to establish eligibility to file individual

objections. Any individual member of an organization may submit written comments on his or her own behalf.

Paragraph (c) clarifies that if an objection is submitted on behalf of a number of named individuals or non-Federal entities, each individual or entity listed must meet the eligibility requirement of having submitted specific written comments during scoping or the other opportunities to comment.

Paragraph (d) states that Federal agencies are not allowed to file an objection. Other avenues are available to Federal agencies for working through concerns regarding a proposed action. It is expected that the various Federal agencies will work cooperatively during project development.

Paragraph (e) allows Federal employees to file objections as individuals in a manner consistent with Federal conflict of interest requirements.

#### Section 218.6—Computation of Time Periods

Paragraphs (a) and (b) describe how time periods are computed.

Paragraph (c) states that the time to file an objection is determined exclusively by the publication date of the legal notice of the EA or final EIS, and draft DN or ROD, in the newspaper of record or, when the Chief is the responsible official, in the **Federal Register**. Although other notifications may be provided, only the legal notice or **Federal Register** publication dates may be used to calculate the objection filing period.

Paragraph (d) states that time extensions are not permitted except as necessary to avoid having a time period end on a non-business day or as permitted at § 218.26.

#### Section 218.7—Giving Notice of Objection Process for Proposed Projects and Activities Subject to Objection

This section describes the methods to be used when giving notice that an EA or final EIS, and draft Decision Notice (DN) or Record of Decision (ROD) for a proposed action is available for administrative review and how the proposed action must be described in this notice.

Paragraph (a) states that the responsible official should provide early disclosure during scoping and in the EA or EIS, whether a proposed action is a hazardous fuel reduction project under the HFRA or other project implementing a land management plan, and which part 218 objection procedures will be applicable.

Paragraph (b) requires that the responsible official must make available the EA or final EIS, and a draft DN or ROD, to those who have requested the documents or meet the objection eligibility requirements at § 218.4(a). Making a draft decision document available at this time provides the public with a clear statement of the Agency's intent and rationale for the decision to be made following the objection process, even more so than that provided by identification of a preferred alternative in the NEPA analysis documents.

Paragraph (c) states that the responsible official must announce through notice in a previously designated newspaper of record when an EA or final EIS, and draft DN or ROD, are available for administrative review, except for proposals of the Chief where **Federal Register** publication is provided. The legal notice begins the objection-filing period of either 30 or 45 days as specified at §§ 218.26(a) and 218.33(a).

Paragraph (c) further outlines the format and content of the legal notice, including a statement that incorporation of documents by reference is permitted only as provided for at § 218.7(b). This provision ensures that the contents of an objection, including all attachments, are readily available to the reviewing officer for timely completion of the objection process. Similarly, objectors cannot meet the requirements of this process by attempting to incorporate substantive materials and arguments from other objectors. The Federal courts have taken a similar view of such procedural strategies; see *Swanson v. U.S. Forest Service*, 87 F.3d 339 (9th Cir. 1996).

The content requirement for a legal notice also includes a statement that issues raised in objections must be based on previously submitted specific written comments regarding the proposed project or activity unless the issue is based on new information arising after the opportunities for comment.

Paragraph (d) requires annual publication in the **Federal Register** of the newspapers to be used for giving legal notice of proposed actions subject to this rule.

#### Section 218.8—Filing an Objection

This section provides information on how to file an objection.

Paragraph (a) provides for an objection to be filed with the reviewing officer in writing.

Paragraph (b) provides that incorporation of documents by reference shall not be allowed except for certain specified documents. The reasons for

not permitting other documents by reference are addressed in preceding § 218.6(c).

Paragraph (c) specifies that issues raised in objections must be based on previously submitted specific written comments regarding the proposed project or activity and attributed to the objector. This requirement does not apply to objection issues based on new information arising after the opportunities for comment. The paragraph also places the burden of demonstrating compliance with this requirement on the objector.

Paragraph (d) provides a detailed list of information that must be included in an objection. The information in the list is needed for timely and effective processing and review of the objections.

#### Section 218.9—Evidence of Timely Filing

This section describes the objector's responsibilities for ensuring the timely filing of an objection, including the means to be used by the Forest Service for determining timeliness.

#### Section 218.10—Objections Set Aside From Review

Paragraph (a) specifies when the reviewing officer must set aside an objection without review or response on the concerns raised, including when an objection is not filed within the objection period; the proposed project is not subject to the procedures of this part and, therefore, is not subject to the objections process; the objector did not submit specific written comments regarding the proposed project or activity during the opportunities for public comment; there is insufficient information to review and respond; the objector withdraws the objection; the objector's identity is not provided or cannot be determined from the signature; or the objection is illegible for any reason.

Paragraph (b) states that when an objection is set aside and not processed, the reviewing officer must give written notice to the objector and responsible official, and document the set aside in the appeal record.

#### Section 218.11—Resolution of Objections

This section describes the objection resolution process.

Paragraph (a) allows for either the reviewing officer or the objector to request a meeting to discuss the objection and attempt resolution. The reviewing officer has the discretion to determine if sufficient time remains in the review period to make a meeting practical. To assist with identifying

areas of potential resolution, the responsible official should be a participant in objection resolution meetings. The paragraph further requires that all meetings with objectors are open to the public.

Paragraph (b) provides for a written response to the objection. The response is not required to be point-by-point and the reviewing officer may issue a single response to multiple objections of the same proposed action. Paragraph (b) also states that there is no higher level review of the reviewing officer's written response to the objection.

#### Section 218.12—Timing of Project Decision

This section describes when a responsible official may make a final decision regarding a proposed action subject to the provisions of this part.

Paragraph (a) allows decisions to be made on proposed actions only when responses have been made to all objections, and paragraph (b) specifies that the decisions documented in a DN or ROD must be consistent with the reviewing officer's response to the objections.

Paragraph (c) states that a decision can be made on a proposed action on the 5th business day following the close of the filing period when no timely objections are filed. This is to allow for receipt of any objections that might have been mailed and postmarked prior to the close of the objection filing period. National Environmental Policy Act regulations (40 CFR 1506.10) require a minimum of 30 days between notice of the final environmental impact statement and issuance of a ROD when administrative appeal of the ROD is not available.

#### Section 218.13—Secretary's Authority

Paragraph (a) identifies the Secretary's authority.

Paragraph (b) identifies that projects and activities authorized by the Secretary or Under Secretary of Agriculture are not subject to these procedures. Nothing in the Consolidated Appropriations Act (CAA), Appeal Reform Act (ARA), or HFRA alters the Secretary's long-established authority to exercise any delegated authority and such decisions constitute the final administrative determination of the USDA.

#### Section 218.13—Judicial Proceedings

Section 218.13 reflects the Department's interpretation and implementation of the ARA, CAA, and HFRA, the statutory foundation for these regulations. Statutory and judicial exhaustion requirements ensure that an

agency is able to develop full factual records, to apply technical and managerial expertise to identified problems, to exercise its judgment and discretion, and to correct its own mistakes. Exhaustion requirements are credited with promoting accuracy, efficiency, public participation, agency autonomy, and judicial economy.

Generally, statutory exhaustion requirements are jurisdictional and cannot be waived by courts. The CAA and HFRA permit plaintiffs to undertake the burden of demonstrating that a "futility or inadequacy" exception should be invoked as to a specific plaintiff or claim. The Department understands these statutory provisions are to be read together, narrowly construed, and invoked only in rare instances such as where information becomes available only after the conclusion of the administrative process.

Congress stated that National Environmental Policy Act (NEPA) documents are to be in complete or final form when made available for objection. The objection process is, therefore, not a second comment period on a draft document, but rather a final opportunity to ensure full understanding of public concerns shortly preceding a decision.

Congress' view on the purpose or intent for the objection process likewise narrows the operation of the futility exemption to those situations where information, which dramatically changes the picture with regard to environmental effects, or the need for the project, comes to light after the NEPA document has been completed.

A contrary reading would be inconsistent with Congress' expectation that the exception provisions are not applicable to information which has not been brought to the attention of the Agency. The objection process protects against the possibility of a "futile" objection due to delay because final decisions on proposed actions cannot be issued prior to conclusion of the objection process and any issue brought to the attention of the agency during project or activity development can be assessed through the objection process. Similarly, predecisional review of each proposed action avoids the criticism sometimes leveled against postdecisional appeals that reviewers are unfairly disposed to a particular or predetermined outcome. Instances of futility or inadequacy should be rare indeed as the administrative review is conducted through a process Congress created specifically for authorized hazardous fuel reduction projects and then applied to this broader class of actions, and which occurs prior to the

Agency's final decision. Moreover, the participatory requirements for these projects are predicated on Congress's determination, expressed through the statutory scheme, that predecisional collaboration is vital to avoiding potential disputes and that the land managers are in the optimal position to identify and correct any errors and to fine-tune the design of proposed actions if they are made aware of concerns before final decisions are made. Sweeping exceptions to the participatory requirements are at odds with Congress' intent.

#### Section 218.15—Information Collection Requirements

This section explains that the rule contains information collection requirements as defined in 5 CFR part 1320 by specifying the information that objectors must supply in an objection. Public comment is being sought on this information collection requirement, as discussed in the Regulatory Certifications section. See the Addresses section for instructions on how to submit comments on the information collection requirement.

#### Section 218.16—Effective Dates

This section sets out the effective date of this rule and provides for a rapid, yet smooth, transition from the use of a postdecisional appeal process for most project proposals to this predecisional objection process. Transition provisions are necessary to assure that interested and affected parties have full opportunity to be notified of the applicable administrative review procedures and to gain eligibility to file objections under these regulations regardless of what stage of planning and decision making the proposal is at when the final rule becomes effective.

#### *Subpart B—Provisions Specific to Project-Level Proposals Not Authorized Under the Healthy Forests Restoration Act*

#### Section 218.20—Applicability and Scope

This section explains that the subpart is applicable to proposed actions regarding projects and activities implementing land management plans and documented with a Record of Decision (ROD) or Decision Notice (DN), except those authorized under the Healthy Forests Restoration Act. These are the proposals for which Section 428 of the Consolidated Appropriations Act of 2012 (hereafter "Section 428") directed that final regulations be issued that provide for a predecisional objection process for proposed projects

and activities documented with a ROD or DN, in lieu of subsections (c), (d), and (e) of Section 322 of the Appeal Reform Act (ARA). The provisions of this subpart implement the notice and comment requirements of the ARA and the emergency situation requirements of Section 428. These provisions are to be used for applicable projects in combination with the general provisions of subpart A.

#### Section 218.21—Emergency Situations

This section sets out the procedures for emergency situations. Section 428 specifies that if the Chief of the Forest Service determines an emergency situation exists for which immediate implementation of a proposed action is necessary, the proposed action shall not be subject to the predecisional objection process, and implementation shall begin immediately after the Forest Service gives notice of the final decision for the proposed action.

Paragraph (a) establishes that authority for making an emergency situation determination rests with the Chief and Associate Chief.

Paragraph (b) describes the process of making an emergency situation determination. Emergency situation is defined in § 218.2. This paragraph also notes that an emergency situation determination is not subject to review.

Paragraph (c) clarifies when implementation of a project or activity decision may begin if an emergency situation determination has been made. It differentiates between decisions determined to be an emergency documented in a DN and in a ROD. This differentiation is necessary to clarify compliance with Council on Environmental Quality regulations governing final environmental impact statement and ROD timeframes.

Paragraph (d) explains that the decision notification required by Forest Service NEPA regulations at part 220 shall include notification that the proposed action has been determined to be an emergency situation.

#### Section 218.22—Proposed Projects and Activities Subject to Legal Notice and Opportunity To Comment

Although the Consolidated Appropriations Act of 2012 superseded subsections (c), (d), and (e) of the Appeal Reform Act (ARA), the Department understands Congress' intent to be that the notice and comment provisions of the ARA would continue to operate for the set of projects and activities subject to predecisional objection. The ARA established an integrated system of notice, comment, and appeal for certain Forest Service

projects and activities. Congress has reformed this system with the Consolidated Appropriations Act of 2012.

This section describes the proposed actions that are subject to the notice and comment requirements established by Section 322(b) of the ARA.

Paragraphs (a) and (b) establish that proposed projects and activities for which an environmental assessment (EA) or environmental impact statement (EIS) are prepared are subject to the legal notice and opportunity to comment requirements of this subpart.

Paragraph (c) requires that legal notice and opportunity to comment will be provided for proposed amendments to a land management plan that are included as part of a proposed project or activity for which an EA is prepared and that are applicable only to the proposed project or activity.

This section also provides that proposed projects or activities resulting from a supplement or revision of an EA or EIS based on consideration of new information or changed circumstances (paragraph (d)) and proposed research activities to be conducted on National Forest System land (paragraph (e)) are subject to legal notice and opportunity to comment procedure.

#### Section 218.23—Proposed Projects and Activities Not Subject to Legal Notice and Opportunity To Comment

Paragraph (a) is reserved pending consideration of further developments concerning whether proposed actions that are categorically excluded from documentation in an EA or EIS should be subject to the notification and public involvement requirements.

Land management plan proposals that are made separately from any proposed projects are not subject to the legal notice and opportunity to comment provisions of this subpart (paragraph (b)), nor are proposed projects and activities that are not subject to provisions of the NEPA and its implementing regulations.

As with prior project appeal procedures, paragraph (d) excludes from legal notice and opportunity to comment determinations by the responsible official that a correction, supplement, or revision of an EA or EIS is not required and paragraph (e) excludes rules promulgated in accordance with the Administrative Procedure Act and policies and procedures issued in the Forest Service directives system.

Paragraph (f) excludes from legal notice and opportunity to comment hazardous fuel reduction projects authorized under the HFRA. Public

notice and comment opportunities for these projects are guided by the provisions of the HFRA and of the NEPA and its implementing regulations.

#### Section 218.24—Notification of Opportunity To Comment on Proposed Projects and Activities

This section establishes the requirements for providing legal and other notice of the opportunity to comment on proposed projects and activities implementing land management plans.

Paragraph (a) describes general responsibilities of the responsible official regarding publication of a legal notice of opportunity to comment.

Paragraph (b) provides the content requirements of a legal notice of opportunity to comment.

Paragraph (c) provides for where legal notices of opportunity to comment must be published.

#### Section 218.25—Comments on Proposed Projects and Activities

Paragraph (a) establishes specific provisions regarding the opportunity to comment, including the time periods for submission, requirements associated with the comments, and the means by which the Agency will establish timeliness of comments submitted.

Paragraph (b) provides requirements for the acceptance and use of submitted comments.

#### Section 218.26—Objection Time Periods

Paragraph (a) specifies that the objection-filing period is 45 days following publication of the legal notice of the EA or final EIS, and draft decision, in the newspaper of record or the publication date of the notice in the **Federal Register** when the Chief is the responsible official. This is the same filing period length that has been provided for postdecisional appeals of project decisions since 1993.

Paragraph (b) states that a written response to the objection shall be issued within 45 days following the end of the objection-filing period. The reviewing officer has the discretion to extend the time for up to 10 days when he or she determines that additional time is necessary to provide adequate response to objections or to participate in resolution discussions with the objector(s). This provision for optional extension of the review and response time increases the potential for constructive resolution of objection concerns when fruitful discussions are occurring.

#### Subpart C—Provisions Specific to Proposed Projects Authorized Under the Healthy Forests Restoration Act

##### Section 218.30—Applicability and Scope

This section explains that the subpart is applicable to proposed hazardous fuel reduction projects authorized under the Healthy Forests Restoration Act (HFRA). The provisions of this subpart are to be used for applicable projects in combination with the general provisions of subpart A.

##### Section 218.31—Authorized Hazardous Fuel Reduction Projects Subject to Objection

This section describes projects subject to the objection process provisions of subpart C. Hazardous fuel reduction projects that are subject to the provision of subpart C, in combination with the provision of subpart A, are not subject to the requirements of subpart B.

##### Section 218.32—Objection Time Periods

Paragraph (a) specifies that the objection-filing period is 30 days following publication of the legal notice of the EA or final EIS in the newspaper of record or the publication date of the notice in the **Federal Register** when the Chief is the responsible official.

Paragraph (b) states that a written response to the objection shall be issued within 30 days following the end of the objection-filing period.

These are the same filing and response timeframes provided for proposed hazardous fuel reduction projects authorized under the HFRA since 2004. The shorter timeframes for this class of projects, as compared to those for proposed actions not authorized under the HFRA (subpart B of the proposed rule), are appropriate because of the interest in expediting the reduction of hazardous fuels as a means to reduce the threat of destructive wildfires.

#### Regulatory Certifications

##### Regulatory Impact

This proposed rule has been reviewed under USDA procedures and Executive Order 12866 on Regulatory Planning and Review. It has been determined that this is not a significant rule. This proposed rule will not have an annual effect of \$100 million or more on the economy nor adversely affect productivity, competition, jobs, the environment, public health or safety, nor State or local governments. This proposed rule will not interfere with an action taken or planned by another agency nor raise new legal or policy issues. Finally, this action will not alter

the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients of such programs.

Moreover, this proposed rule has been considered in light of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), and it has been determined that this action will not have a significant economic impact on a substantial number of small entities as defined by that act. Therefore, a regulatory flexibility analysis is not required for this proposed rule.

#### Environmental Impacts

This proposed rule establishes a predecisional administrative review (objection) process for proposed actions regarding projects and activities implementing land management plans, including authorized hazardous fuel reduction projects on National Forest System land. Agency NEPA regulations at 36 CFR 220.6(d)(2) exclude from documentation in an environmental assessment or impact statement "rules, regulations, or policies to establish Service-wide administrative procedures, program processes, or instruction." This proposed rule clearly falls within this category of actions and no extraordinary circumstances exist which would require preparation of an environmental assessment or an environmental impact statement. Previous Forest Service administrative appeal rulemakings have applied this categorical exclusion and been confirmed by the courts.

#### Energy Effects

This proposed rule has been reviewed under Executive Order 13211 of May 18, 2001, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use." It has been determined that this proposed rule does not constitute a significant energy action as defined in the Executive order.

#### Controlling Paperwork Burdens on the Public

This proposed rule represents an extension with revision of a currently approved information collection requirement as defined in 5 CFR Part 1320, Controlling Paperwork Burdens on the Public. The information to be collected from those who choose to participate in the predecisional administrative review process under the Consolidated Appropriations Act of 2012 and the Healthy Forests Restoration Act is the minimum needed for the reviewing officer to make an informed decision on an objection.

## Description of Information Collection

*Title:* Project-Level Predecisional Administrative Review Process.  
*OMB Number:* 0596-0172.  
*Expiration Date of Approval:* February 28, 2014.

*Type of Request:* Extension with Revision.

*Abstract:* The information collected is needed for a citizen or organization to explain the nature of the objection being made to a proposed project or activity undertaken under the authority of the Consolidated Appropriations Act of 2012 or the Healthy Forests Restoration Act, and the reason(s) why the individual or organization objects. Specifically, an objector must provide:

1. A name, mailing address, and if possible, telephone number;
2. Signature or other verification of authorship upon request;
3. The name of the proposed project or activity, the name and title of the responsible official, the National Forest(s) and/or Ranger District(s) on which the proposed project or activity will be implemented; and
4. Any specific changes that the objector seeks and the rationale for those changes.

*Estimate of Burden:* The public reporting burden to provide information when filing an objection to a proposed project or activity is estimated to average 8 hours per response.

*Respondents:* Individuals, businesses, not-for-profit institutions, State, local or Tribal Government.

*Estimated Number of Respondents:* 375.

*Estimated Number of Responses per Respondent:* 1 response per year.

*Estimated Total Annual Burden on Respondents:* 3,000 hours.

*Comments are Invited on:* (a) Whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of this Agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

*Use of Comments:* All comments received in response to this information collection will be summarized and included in the request for final OMB approval. All comments, including names and addresses when provided will become a matter of public record.

## Federalism

The Agency has considered this proposed rule under the requirements of Executive Order 13132, Federalism, and Executive Order 12875, Government Partnerships. The Agency has made a preliminary assessment that the proposed rule conforms with the federalism principles set out in these Executive orders; would not impose any compliance costs on the States; and would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Based on comments received on this proposed rule, the Agency will consider if any additional consultation will be needed with State and local governments prior to adopting a final rule.

## Consultation and Coordination With Indian Tribal Governments

On March 21, 2012, the Regional Foresters were instructed by the Deputy Chief for the National Forest System to send letters inviting more than 600 federally recognized Tribes and Alaska Native Corporations to begin consultation on the proposed rule for a project-level predecisional review process. The Forest Service will continue to conduct government-to-government consultation on the project-level predecisional review process rule until the date 30 days after publication of the proposed rule in the **Federal Register**. The Department considers tribal consultation as an ongoing, iterative process that encompasses development of the proposed rule through the issuance of the final rule.

## No Takings Implications

This proposed rule has been analyzed in accordance with the principles and criteria contained in Executive Order 12630. It has been determined that the proposed rule does not pose the risk of a taking of private property.

## Civil Justice Reform

This proposed rule has been reviewed under Executive Order 12988 on civil justice reform. After adoption of this proposed rule, (1) all State and local laws and regulations that conflict with this rule or that impede its full implementation will be preempted; (2) no retroactive effect will be given to this proposed rule; and (3) it will not require administrative proceedings before parties may file suit in court challenging its provisions.

## Unfunded Mandates

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538), which the President signed into law on March 22, 1995, the Agency has assessed the effects of this proposed rule on State, local, and tribal governments and the private sector. This proposed rule does not compel the expenditure of \$100 million or more by any State, local, or tribal governments or anyone in the private sector. Therefore, a statement under Section 202 of the act is not required.

## List of Subjects in 36 CFR Part 218

Administrative practice and procedure, National Forests.

Therefore, for the reasons set forth in the preamble, part 218 of Title 36 of the Code of Federal Regulations is proposed to be revised as follows:

## PART 218—PROJECT-LEVEL PREDECISIONAL ADMINISTRATIVE REVIEW PROCESS

## Subpart A—General Provisions

- Sec.
- 218.1 Purpose and scope.
  - 218.2 Definitions.
  - 218.3 Reviewing officer.
  - 218.4 Proposed projects and activities not subject to objection.
  - 218.5 Who may file an objection.
  - 218.6 Computation of time periods.
  - 218.7 Giving notice of objection process for proposed projects and activities subject to objection.
  - 218.8 Filing an objection.
  - 218.9 Evidence of timely filing.
  - 218.10 Objections set aside from review.
  - 218.11 Resolution of objections.
  - 218.12 Timing of project decision.
  - 218.13 Secretary's authority.
  - 218.14 Judicial proceedings.
  - 218.15 Information collection requirements.
  - 218.16 Effective dates.

## Subpart B—Provisions Specific to Project-Level Proposals Not Authorized Under the Healthy Forests Restoration Act

- 218.20 Applicability and scope.
- 218.21 Emergency situations.
- 218.22 Proposed projects and activities subject to legal notice and opportunity to comment.
- 218.23 Proposed projects and activities not subject to legal notice and opportunity to comment.
- 218.24 Notification of opportunity to comment on proposed projects and activities.
- 218.25 Comments on proposed projects and activities.
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## Subpart C—Provisions Specific to Proposed Projects Authorized Under the Healthy Forests Restoration Act

- 218.30 Applicability and scope.
- 218.31 Authorized hazardous fuel reduction projects subject to objection.

## 218.32 Objection time periods.

**Authority:** Pub. L. 108–148, 117 Stat 1887 (Healthy Forests Restoration Act of 2003); Sec. 428, Pub. L. 112–74 (Consolidated Appropriations Act, 2012); 125 Stat 1046 (16 U.S.C. 6515 note).

**Subpart A—General Provisions****§ 218.1 Purpose and scope.**

This subpart establishes a predecisional administrative review (hereinafter referred to as “objection”) process for proposed actions of the Forest Service concerning projects and activities implementing land and resource management plans and documented with a Record of Decision or Decision Notice, including proposed authorized hazardous fuel reduction projects as defined in the Healthy Forests Restoration Act of 2003 (HFRA). The objection process is the sole means by which administrative review of qualifying project proposals on National Forest System land may be sought.

(a) Subpart A provides the general provisions of the objection process, including who may file objections to proposed projects and activities, the responsibilities of the participants in an objection, and the procedures that apply for review of the objection.

(b) Subpart B includes provisions that are specific to proposed projects and activities implementing land and resource management plans and documented with a Record of Decision or Decision Notice, except those authorized under the HFRA.

(c) Subpart C includes provisions that are specific to proposed hazardous fuel reduction projects authorized under the HFRA.

**§ 218.2 Definitions.**

**Address.** An individual's or organization's current physical mailing address. An email address is not sufficient.

**Authorized hazardous fuel reduction project.**—A hazardous fuel reduction project authorized by the Healthy Forests Restoration Act of 2003 (HFRA).

**Comments.**—Specific written comments submitted to the responsible official or designee during a designated opportunity for public participation provided for a proposed project that are in regard to that project.

**Decision notice (DN).**—A concise written record of a responsible official's decision based on an environmental assessment and a finding of no significant impact (FONSI) (40 CFR 1508.13; 36 CFR 220.7). The draft decision document made available pursuant to § 218.7(c)(1) will include a

draft FONSI unless an environmental impact statement is being prepared.

**Emergency situation.**—A situation on National Forest System (NFS) lands for which immediate implementation of a decision is necessary to achieve one or more of the following: relief from hazards threatening human health and safety; mitigation of threats to natural resources on those NFS or adjacent lands; avoiding a loss of commodity value sufficient to jeopardize the agency's ability to accomplish project objectives directly related to resource protection or restoration.

**Entity.**—For purposes of who may file an objection (§ 218.5), an entity includes non-governmental organizations, businesses, partnerships, state and local governments, Alaska Native Corporations, and Indian Tribes.

**Environmental assessment (EA).**—A public document that provides sufficient evidence and analysis for determining whether to prepare an environmental impact statement (EIS) or a finding of no significant impact (FONSI), aids an agency's compliance with the National Environmental Policy Act (NEPA) when no EIS is necessary, and facilitates preparation of a statement when one is necessary (40 CFR 1508.9; 36 CFR 220.7).

**Environmental impact statement (EIS).**—A detailed written statement as required by Section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969 (40 CFR 1508.11; 36 CFR 220.5).

**Forest Service line officer.**—A Forest Service official who serves in a direct line of command from the Chief and who has the delegated authority to make and execute decisions approving projects subject to this part.

**Lead objector.**—For an objection submitted with multiple individuals and/or entities listed, the individual or entity identified to represent all other objectors for the purposes of communication, written or otherwise, regarding the objection.

**Name.**—The first and last name of an individual or the name of an entity. An electronic username is insufficient for identification of an individual or entity.

**National Forest System land.**—All lands, waters, or interests therein administered by the Forest Service (36 CFR 251.51).

**Newspaper(s) of record.**—Those principal newspapers of general circulation annually identified in a list and published in the **Federal Register** by each regional forester to be used for publishing notices of projects and activities implementing land management plans.

**Objection.**—The written document filed with a reviewing officer by an individual or entity seeking predecisional administrative review of a proposed project or activity implementing a land management plan, including proposed HFRA-authorized hazardous fuel reduction projects, and documented with an environmental assessment or environmental impact statement.

**Objection period.**—The period following publication of the legal notice in the newspaper of record of an environmental assessment (30 calendar days) or final environmental impact statement (45 calendar days) for a proposed project or activity during which an objection may be filed with the reviewing officer. When the Chief is the responsible official the objection period begins following publication of a notice in the **Federal Register**.

**Objection process.**—The procedures established in this subpart for predecisional administrative review of proposed projects or activities implementing land management plans, including proposed HFRA-authorized hazardous fuel reduction projects.

**Objector.**—An individual or entity filing an objection who submitted comments specific to the proposed project or activity during scoping or other opportunity for public comment. The use of the term “objector” applies to all persons or entities who meet eligibility requirements associated with the filed objection (§ 218.5).

**Record of decision (ROD).**—A document signed by a responsible official recording a decision that was preceded by preparation of an environmental impact statement (EIS) (40 CFR 1505.2; 36 CFR 220.5).

**Responsible official.**—The Forest Service employee who has the delegated authority to make and implement a decision approving proposed projects or activities subject to this part.

**§ 218.3 Reviewing officer.**

(a) The reviewing officer is the U. S. Department of Agriculture (USDA) or Forest Service official having the delegated authority and responsibility to review an objection filed under this part. The reviewing officer is a Forest Service line officer at the next higher administrative level above the responsible official, or the respective Associate Deputy Chief, Deputy Regional Forester, or Deputy Forest Supervisor with the delegation of authority relevant to the provisions of this part.

(b) The reviewing officer determines procedures to be used for processing objections when the procedures are not

specifically described in this part, including such procedures as needed to be compatible to the extent practicable, with the administrative review processes of other Federal agencies, for projects proposed jointly with other agencies. Such determinations are not subject to further administrative review.

**§ 218.4 Proposed projects and activities not subject to objection.**

Proposed projects and activities are not subject to objection when no specific and timely written comments regarding the proposed project or activity (see § 218.2) are received during a designated opportunity for public comment (see § 218.5(a)). The responsible official must issue an explanation with the Record of Decision or Decision Notice that the project or activity was not subject to objection.

**§ 218.5 Who may file an objection.**

(a) Individuals and entities as defined in § 218.2 who have submitted specific and timely written comments as defined in § 218.2 regarding the proposed project or activity during a designated opportunity for public comment provided during preparation of an EA or EIS for the proposed project or activity may file an objection. For proposed projects or activities described in a draft EIS, such opportunity for public comment will be fulfilled during scoping, by the comment period on the draft EIS in accordance with procedures in 40 CFR 1506.10, and any other periods public comment is specifically requested. For proposed projects or activities described in an EA, such opportunity for public comment will be fulfilled during scoping or any other periods public comment is specifically requested.

(b) Comments received from an authorized representative(s) of an entity are considered those of the entity only. Individual members of that entity do not meet objection eligibility requirements solely on the basis of membership in an entity. A member or an individual must submit written comments independently in order to be eligible to file an objection in an individual capacity.

(c) When an objection lists multiple individuals or entities, each individual or entity must meet the requirements of paragraph (a) of this section. If the objection does not identify a lead objector as required at § 218.8(d)(3), the reviewing officer will delegate the first eligible objector on the list as the lead objector. Individuals or entities listed on an objection that do not meet eligibility requirements must not be considered objectors. Objections from individuals

or entities that do not meet the requirements of paragraph (a) must not be accepted and must be documented in the objection record.

(d) Federal agencies may not file objections.

(e) Federal employees who otherwise meet the requirements of this subpart for filing objections in a non-official capacity must comply with Federal conflict of interest statutes at 18 U.S.C. 202–209 and with employee ethics requirements at 5 CFR part 2635. Specifically, employees must not be on official duty nor use Government property or equipment in the preparation or filing of an objection. Further, employees must not incorporate information unavailable to the public, such as Federal agency documents that are exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552 (b)).

**§ 218.6 Computation of time periods.**

(a) *Computation.* All time periods are computed using calendar days, including Saturdays, Sundays, and Federal holidays. However, when the time period expires on a Saturday, Sunday, or Federal holiday, the time is extended to the end of the next Federal working day as stated in the legal notice (11:59 p.m. in the time zone of the receiving office for objections filed by electronic means such as email or facsimile).

(b) *Objection-filing period.* The day after publication of the legal notice for the EA or final EIS in the newspaper of record or **Federal Register** (see § 218.7(c)) is the first day of the objection-filing period.

(c) *Publication date.* The publication date of the legal notice of the EA or final EIS in the newspaper of record or, when the Chief is the responsible official, the **Federal Register**, is the exclusive means for calculating the time to file an objection. Objectors may not rely on dates or timeframe information provided by any other source.

(d) *Extensions.* Time extensions are not permitted except as provided at paragraph (a) of this section, and § 218.26(b).

**§ 218.7 Giving notice of objection process for proposed projects and activities subject to objection.**

(a) In addition to the notification required in paragraph (c) of this section, the responsible official must disclose during scoping and in the EA or EIS that the proposed project or activity is:

(1) A hazardous fuel reduction project as defined by the HFRA, section 101(2), that is subject to subparts A and C of this part, or

(2) A project or activity implementing a land management plan and not authorized under the HFRA, that is subject to subparts A and B of this part.

(b) The responsible official must promptly make available the final EIS or the EA, and a draft Record of Decision (ROD) or Decision Notice (DN), to those who have requested the documents or are eligible to file an objection in accordance with § 218.5(a).

(c) Upon completion and notification of the availability of the final EIS or EA, and draft ROD or DN, legal notice of the opportunity to object to a proposed project or activity must be published in the applicable newspaper of record identified as defined in § 218.2 for each National Forest System unit. When the Chief is the responsible official, notice must be published in the **Federal Register**. The legal notice or **Federal Register** notice must

(1) Include the name of the proposed project or activity, a concise description of the draft decision and any proposed land management plan amendments, name and title of the responsible official, name of the forest and/or district on which the proposed project or activity will occur, instructions for obtaining a copy of the final EIS or EA and draft ROD or DN as defined in § 218.2, and instructions on how to obtain additional information on the proposed project or activity.

(2) State that the proposed project or activity is subject to the objection process pursuant to 36 CFR part 218 and include the following:

(i) Name and address of the reviewing officer with whom an objection is to be filed. The notice must specify a street, postal, fax, and email address, the acceptable format(s) for objections filed electronically, and the reviewing officer's office business hours for those filing hand-delivered objections.

(ii) A statement that objections will be accepted only from those who have previously submitted specific written comments regarding the proposed project during scoping or other opportunity for public comment in accordance with § 218.5(a). The statement must also specify that issues raised in objections must be based on previously submitted specific written comments regarding the proposed project unless the issue is based on new information arising after the opportunities for comment.

(iii) A statement that the publication date of the legal notice in the newspaper of record or **Federal Register** notice is the exclusive means for calculating the time to file an objection (see §§ 218.26(a) and 218.32(a)), and that those wishing to object should not rely

upon dates or timeframe information provided by any other source. A specific date must not be included in the notice.

(iv) A statement of whether the proposal is a hazardous fuel reduction project authorized under the HFRA and subject to the predecisional objection procedures specific to such projects in subpart C of this part or is a project implementing a land management plan, not authorized under the HFRA, and therefore subject to the objection procedures specific to these projects in subpart B of this part.

(v) A statement that an objection, including attachments, must be filed (regular mail, fax, email, hand-delivery, express delivery, or messenger service) with the appropriate reviewing officer (see § 218.8) within 30 days of the date of publication of the legal notice for the objection process if the proposal is an authorized hazardous fuel reduction project, or within 45 days if the proposal is otherwise a project or activity implementing a land management plan. It should also be stated that incorporation of documents by reference is permitted only as provided for at § 218.8(b).

(vi) A statement describing the minimum content requirements of an objection (see § 218.8(d)).

(d) Through notice published annually in the *Federal Register*, each regional forester must advise the public of the newspaper(s) of record utilized for publishing legal notice required by this part.

#### § 218.8 Filing an objection.

(a) Objections must be filed with the reviewing officer in writing. All objections are available for public inspection during and after the objection process.

(b) Incorporation of documents by reference is not allowed, except for the following list of items which may be provided by including date, page, and section of the cited document. All other documents must be included with the objection.

(1) All or any part of a Federal law or regulation.

(2) Forest Service directives and land management plans.

(3) Documents referenced by the Forest Service in the proposed project EA or EIS that is subject to objection.

(4) Comments previously provided to the Forest Service by the objector during proposed project or activity comment periods.

(c) Issues raised in objections must be based on previously submitted specific written comments regarding the proposed project or activity and attributed to the objector, unless the

issue is based on new information that arose after the opportunities for comment. The burden is on the objector to demonstrate compliance with this requirement for objection issues (see § 218.8(d)(6)).

(d) At a minimum, an objection must include the following:

(1) Objector's name and address as defined in § 218.2, with a telephone number, if available;

(2) Signature or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the objection);

(3) When multiple names are listed on an objection, identification of the lead objector as defined in § 218.2.

Verification of the identity of the lead objector must be provided upon request;

(4) The name of the proposed project, the name and title of the responsible official, and the name(s) of the national forest(s) and/or ranger district(s) on which the proposed project will be implemented;

(5) Sufficient narrative description of those aspects of the proposed project addressed by the objection, specific issues related to the proposed project; if applicable, how the objector believes the environmental analysis or draft decision specifically violates law, regulation, or policy; and suggested remedies that would resolve the objection; and

(6) A statement that demonstrates the link between prior written comments on the particular proposed project or activity and the content of the objection, unless the objection concerns an issue that arose after the designated opportunity(ies) for comment (see § 218.8(c)).

#### § 218.9 Evidence of timely filing.

It is the objector's responsibility to ensure timely filing of an objection. Timeliness must be determined by the following indicators:

(a) The date of the U.S. Postal Service postmark for an objection received before the close of the fifth business day after the objection filing date;

(b) The electronically generated posted date and time for email and facsimiles;

(c) The shipping date for delivery by private carrier for an objection received before the close of the fifth business day after the objection filing date; or

(d) The official agency date stamp showing receipt of hand delivery.

#### § 218.10 Objections set aside from review.

(a) The reviewing officer must set aside and not review an objection when one or more of the following applies:

(1) Objections are not filed in a timely manner (see §§ 218.7(c)(2)(v), 218.9).

(2) The proposed project is not subject to the objection procedures in §§ 218.1, 218.4, 218.20, and 218.31 of this part.

(3) The individual or entity did not submit timely and specific written comments regarding the proposed project or activity during scoping or another designated opportunity for public comment (see § 218.5(a)).

(4) None of the issues included in the objection are based on previously submitted written comments unless one or more of those issues arose after the opportunities for comment.

(5) The objection does not provide sufficient information as required by § 218.8(d)(5) and (6) for the reviewing officer to review.

(6) The objector withdraws the objection.

(7) An objector's identity is not provided or cannot be determined from the signature (written or electronically scanned) and a reasonable means of contact is not provided (see § 218.8(d)(1) and (2)).

(8) The objection is illegible for any reason, including submissions in an electronic format different from that specified in the legal notice.

(b) The reviewing officer must give written notice to the objector and the responsible official when an objection is set aside from review and must state the reasons for not reviewing the objection. If the objection is set aside from review for reasons of illegibility or lack of a means of contact, the reasons must be documented and a copy placed in the objection record.

#### § 218.11 Resolution of objections.

(a) *Meetings.* Prior to the issuance of the reviewing officer's written response, either the reviewing officer or the objector may request to meet to discuss issues raised in the objection and potential resolution. The reviewing officer has the discretion to determine whether or not adequate time remains in the review period to make a meeting with the objector practical. The responsible official should be a participant along with the reviewing officer in objection resolution meetings. All meetings are open to the public.

(b) *Reviewing officer's response to objections.* (1) A written response must set forth the reasons for the response, but need not be a point-by-point response and may contain instructions to the responsible official, if necessary. In cases involving more than one objection to a proposed project or activity, the reviewing officer may consolidate objections and issue one or more responses.

(2) No further review from any other Forest Service or USDA official of the

reviewing officer's written response to an objection is available.

#### § 218.12 Timing of project decision.

(a) The responsible official may not sign a ROD or DN concerning a proposed project or activity subject to the provisions of this part until the reviewing officer has responded to all pending objections.

(b) The ROD or DN signed by the responsible official must be consistent with the reviewing officer's response to objections.

(c) When no objection is filed within the allotted filing period (see §§ 218.26 and 218.32):

(1) The reviewing officer must notify the responsible official.

(2) Approval of the proposed project or activity documented in a ROD in accordance with 40 CFR 1506.10, or in a DN may occur on, but not before, the fifth business day following the end of the objection-filing period.

#### § 218.13 Secretary's authority.

(a) Nothing in this section shall restrict the Secretary of Agriculture from exercising any statutory authority regarding the protection, management, or administration of National Forest System land.

(b) Decisions concerning projects and activities issued by the Secretary of Agriculture or the Under Secretary, Natural Resources and Environment, are not subject to the procedures set forth in this part. Approval of projects and activities by the Secretary or Under Secretary constitutes the final administrative determination of the U.S. Department of Agriculture.

#### § 218.14 Judicial proceedings.

The objection process set forth in this subpart fully implements Congress' design for a predecisional administrative review process. These procedures present a full and fair opportunity for concerns to be raised and considered on a project-by-project basis. Individuals and groups must structure their participation so as to alert the local agency officials making particular land management decisions of their positions and contentions. Further, any filing for Federal judicial review of a decision covered by these regulations is premature and inappropriate unless the plaintiff has exhausted the administrative review process set out in this part.

#### § 218.15 Information collection requirements.

The rules of this part specify the information that objectors must provide in an objection to a proposed project (see § 218.8). As such, these rules

contain information collection requirements as defined in 5 CFR part 1320. These information requirements are assigned OMB Control Number 0596-0172.

#### § 218.16 Effective dates.

(a) *Effective dates for HFRA-authorized projects.* (1) Provisions of this part that are applicable to hazardous fuel reduction projects authorized under the HFRA are in effect as of [DATE OF PUBLICATION OF THE FINAL RULE IN THE Federal Register] for projects where scoping begins on or after this date.

(2) Hazardous fuel reduction project proposals under the HFRA for which public scoping began prior to [DATE OF PUBLICATION OF THE FINAL RULE IN THE Federal Register] may use the predecisional objection procedures posted at <http://www.fs.fed.us/objections>.

(3) Hazardous fuel reduction project proposals that are re-scoped with the public or re-issued for notice and comment after [DATE OF PUBLICATION OF THE FINAL RULE IN THE Federal Register] are subject to this part.

(b) *Effective dates for non-HFRA-authorized projects.* (1) Project proposals with public scoping completed, but that have not had legal notice published. The applicable provisions of this part are in effect as of [DATE OF PUBLICATION OF THE FINAL RULE IN THE Federal Register] where public scoping was previously initiated for project proposals, but legal notice of the opportunity to comment has not yet been published; unless scoping or other public notification of the project (e.g. Schedule of Proposed Actions) has clearly indicated the project to be under the former 36 CFR part 215 appeal process.

(2) Project proposals which have legal notice published, but a Decision Notice or Record of Decision has not been signed. If a Decision Notice or Record of Decision is signed within 6 months of [DATE OF PUBLICATION OF THE FINAL RULE IN THE Federal Register], it will be subject to the 36 CFR part 215 appeal process. If the Decision Notice or Record of Decision is to be signed more than 6 months beyond [DATE OF PUBLICATION OF THE FINAL RULE IN THE Federal Register], the project proposal will be subject to the requirements of this part. In this case, the responsible official will notify all interested and affected parties who participated during scoping or provided specific written comment regarding the proposed project or activity during the comment period initiated with a legal

notice that the project proposal will be subject to the predecisional objection regulations at 36 CFR part 218. All interested and affected parties who provided written comment as defined in § 218.2 during scoping or the comment period will be eligible to participate in the objection process.

(3) Project proposals are subject to the requirements of this part when initial public scoping, re-scoping with the public, or re-issuance of notice and comment begins on or after [DATE OF PUBLICATION OF THE FINAL RULE IN THE Federal Register].

#### Subpart B—Provisions Specific to Project-Level Proposals Not Authorized Under Healthy Forests Restoration Act

##### § 218.20 Applicability and scope.

This subpart includes provisions that are specific to proposed projects and activities implementing land and resource management plans and documented with a Record of Decision or Decision Notice, except those authorized under the Healthy Forests Restoration Act (HFRA). The sections of this subpart must be considered in combination with the general provisions of subpart A for the full complement of regulatory direction pertaining to predecisional administrative review of the applicable projects and activities.

##### § 218.21 Emergency situations.

(a) *Authority.* The Chief and the Associate Chief of the Forest Service are authorized to make the determination that an emergency situation as defined in § 218.2 exists.

(b) *Determination.* The determination that an emergency situation exists shall be based on an examination of the relevant information. During the consideration by the Chief or Associate Chief, additional information may be requested from the responsible official. The determination that an emergency situation does or does not exist is not subject to administrative review under this part.

(c) *Implementation.* When it is determined that an emergency situation exists with respect to all or part of the decision, implementation may proceed as follows:

(1) Immediately after notification (see 36 CFR 220.7(d)) of a decision documented in a decision notice (DN).

(2) Immediately when the decision is documented in a record of decision (ROD), after complying with the timeframes and publication requirements described in 40 CFR 1506.10(b)(2).

(d) *Notification.* The responsible official shall identify any emergency

situation determination made for a project or activity in the notification of the decision (see 36 CFR 220.5(g) and 220.7(d)).

**§ 218.22 Proposed projects and activities subject to legal notice and opportunity to comment.**

The legal notice and opportunity to comment procedures of this subpart apply only to:

(a) Proposed projects and activities implementing land management plans for which an environmental assessment (EA) is prepared;

(b) Proposed projects and activities implementing land management plans and described in a draft or supplemental environmental impact statement (EIS), for which notice and comment procedures are governed by 40 CFR parts 1500 through 1508 also;

(c) Proposed amendments to a land management plan that are included as part of a proposed project or activity for which an EA or EIS is prepared and which are applicable only to a proposed project or activity covered in paragraph (a) of this section;

(d) A proposed project or activity decision resulting from a supplement or revision of an EA or EIS based on consideration of new information or changed circumstances; and

(e) Proposed research activities to be conducted on National Forest System land.

**§ 218.23 Proposed projects and activities not subject to legal notice and opportunity to comment.**

The legal notice and opportunity to comment procedures of this subpart do not apply to:

(a) [Reserved];

(b) Proposed land management plans, plan revisions, and plan amendments that are made separately from any proposed projects;

(c) Proposed projects and activities not subject to the provisions of the National Environmental Policy Act and the implementing regulations at 40 CFR parts 1500 through 1508 and 36 CFR part 220;

(d) Determinations by the responsible official, after consideration of new information or changed circumstances, that a correction, supplement, or revision of the EA or EIS is not required; and

(e) Rules promulgated in accordance with the Administrative Procedure Act (5 U.S.C. 551 et seq.) or policies and procedures issued in the Forest Service Manual and Handbooks (36 CFR part 216).

(f) Proposed hazardous fuel reduction projects authorized under the Healthy Forests Restoration Act.

**§ 218.24 Notification of opportunity to comment on proposed projects and activities.**

(a) *Responsible official.* The responsible official shall:

(1) Provide legal notice of the opportunity to comment on a proposed project or activity implementing the land management plan.

(2) Determine the most effective timing and then publish the legal notice of the opportunity to comment on a proposed project or activity as provided for in paragraph (c)(2) of this section.

(3) Promptly provide notice about the proposed project or activity to any individual or organization who has requested it and to those who have participated in planning for that project.

(4) Accept all written comments on the proposed project or activity as provided for in § 218.25(a)(4).

(5) Identify all specific written comments regarding the proposed project.

(b) *Content of legal notice.* All legal notices shall include the following:

(1) The title and brief description of the proposed project or activity.

(2) A general description of the proposed project or activity's location with sufficient information to allow the interested public to identify the location.

(3) When applicable, a statement that the responsible official is requesting an emergency situation determination or it has been determined that an emergency situation exists for the proposed project or activity as provided for in § 218.21.

(4) For a proposed project or activity to be analyzed and documented in an environmental assessment (EA), a statement that the opportunity to comment ends 30 days following the date of publication of the legal notice in the newspaper of record (see § 218.25(a)(2)); legal notices shall not contain the specific date since newspaper publication dates may vary.

(5) For a proposed project or activity that is analyzed and documented in a draft environmental impact statement (EIS), a statement that the opportunity to comment ends 45 days following the date of publication of the notice of availability (NOA) in the **Federal Register** (see § 218.25(a)(2)). The legal notice must be published after the NOA and contain the NOA publication date.

(6) A statement that only those who submit timely and specific written comments regarding the proposed project or activity during a designated opportunity for public comment will be accepted as objectors.

(7) The responsible official's name, title, telephone number, and addresses (street, postal, facsimile, and email) to

whom comments are to be submitted and the responsible official's office business hours for those submitting hand-delivered comments (see § 218.25(a)(4)(ii)).

(8) A statement indicating that for objection eligibility each individual or representative from each organization submitting specific written comments regarding the proposed project or activity must either sign the comments or verify identity upon request.

(9) The acceptable format(s) for electronic comments.

(10) Instructions on how to obtain additional information on the proposed project or activity.

(c) *Publication.* (1) Through notice published annually in the **Federal Register**, each Regional Forester shall advise the public of the newspaper(s) of record utilized for publishing legal notices required by this part.

(2) Legal notice of the opportunity to comment on a proposed project or activity shall be published in the applicable newspaper of record identified in paragraph (c)(1) of this section for each National Forest System unit. When the Chief is the responsible official, notice shall also be published in the **Federal Register**. The publication date of the legal notice in the newspaper of record is the exclusive means for calculating the time to submit written comments on a proposed project or activity to be analyzed and documented in an EA. The publication date of the NOA in the **Federal Register** is the exclusive means for calculating the time to submit written comments on a proposed project or activity that is analyzed and documented in a draft EIS.

**§ 218.25 Comments on proposed projects and activities.**

(a) *Opportunity to comment.* (1) *Time period for submission of comments—(i) Environmental assessment.* Comments on the proposed project or activity shall be accepted for 30 days following the date of publication of the legal notice.

(ii) *Draft environmental impact statement.* Comments on the proposed project or activity shall be accepted for a minimum of 45 days following the date of publication in the **Federal Register** pursuant to 40 CFR parts 1500 through 1508.

(iii) *Comments.* It is the responsibility of all individuals and organizations to ensure that their comments are received in a timely manner as provided for in paragraph (a)(4) of this section.

(iv) *Extension.* The time period for the opportunity to comment on environmental assessments shall not be extended.

(2) *Computation of the comment period.* The time period is computed using calendar days, including Saturdays, Sundays, and Federal holidays. However, when the time period expires on a Saturday, Sunday, or Federal holiday, comments shall be accepted until the end of the next Federal working day (11:59 p.m.).

(i) *Environmental assessment (EA).* The 30-day comment period for proposed projects or activities to be analyzed and documented in an EA begins on the first day after publication of the legal notice.

(ii) *Draft environmental impact statement (EIS).* The 45-day comment period for proposed projects or activities that are analyzed and documented in a draft EIS begins on the first day after publication of the NOA in the **Federal Register**.

(3) *Requirements.* Individuals and entities wishing to be eligible to object must provide the following during the comment period:

(i) Name and address.

(ii) Title of the proposed project or activity.

(iii) Specific written comments as defined in § 218.2 regarding the proposed project or activity, along with supporting reasons that the responsible official should consider in reaching a decision.

(iv) Signature or other verification of identity upon request; identification of the individual or entity who authored the comment(s) is necessary for objection eligibility.

(A) For objections listing multiple entities or multiple individuals, a signature or other means of verification must be provided for the individual authorized to represent each entity and for each individual in the case of multiple names, to meet objection eligibility requirements.

(B) Those using electronic means may submit a scanned signature. Otherwise another means of verifying the identity of the individual or entity representative may be necessary for electronically submitted comments.

(v) Individual members of an entity must submit their own comments to meet the requirements of objection eligibility; comments received on behalf of an organization are considered as those of the organization only.

(4) *Evidence of timely submission.* When there is a question about timely submission of comments, timeliness shall be determined as follows:

(i) Written comments must be postmarked by the Postal Service, emailed, faxed, or otherwise submitted (for example, express delivery service) by 11:59 p.m. on the 30th calendar day

following publication of the legal notice for proposed projects or activities to be analyzed and documented in an EA or the 45th calendar day following publication of the NOA in the **Federal Register** for a draft EIS.

(ii) Hand-delivered comments must be time and date imprinted at the correct responsible official's office by the close of business on the 30th calendar day following publication of the legal notice for proposed projects or activities to be analyzed and documented in an EA or the 45th calendar day following publication of the NOA in the **Federal Register** for a draft EIS.

(iii) For emailed comments, the sender should normally receive an automated electronic acknowledgment from the agency as confirmation of receipt. If the sender does not receive an automated acknowledgment of the receipt of the comments, it is the sender's responsibility to ensure timely receipt by other means.

(b) *Consideration of comments.* (1) The responsible official shall consider all written comments submitted in compliance with paragraph (a) of this section.

(2) All written comments received by the responsible official shall be placed in the project file and shall become a matter of public record.

#### § 218.26 Objection time periods.

(a) *Time to file an objection.* Written objections, including any attachments, must be filed with the reviewing officer within 45 days following the publication date of the legal notice of the EA or final EIS in the newspaper of record or the publication date of the notice in the **Federal Register** when the Chief is the responsible official (see § 218.7(c)). It is the responsibility of objectors to ensure that their objection is received in a timely manner.

(b) *Time for responding to an objection.* The reviewing officer must issue a written response to the objector(s) concerning their objection(s) within 45 days following the end of the objection-filing period. The reviewing officer has the discretion to extend the time for up to 10 days when he or she determines that additional time is necessary to provide adequate response to objections or to participate in resolution discussions with the objector(s).

#### Subpart C—Provisions Specific to Proposed Projects Authorized Under the Healthy Forests Restoration Act

##### § 218.30 Applicability and scope.

This subpart includes provisions that are specific to proposed hazardous fuel

reduction projects documented with a Record of Decision or Decision Notice, and authorized under the Healthy Forests Restoration Act (HFRA). The sections of this subpart must be considered in combination with the general provisions of subpart A for the full complement of regulatory direction pertaining to predecisional administrative review of the applicable projects and activities.

##### § 218.31 Authorized hazardous fuel reduction projects subject to objection.

(a) Only authorized hazardous fuel reduction projects as defined by the HFRA, section 101(2), occurring on National Forest System land that have been analyzed in an EA or EIS are subject to this subpart. Authorized hazardous fuel reduction projects processed under the provisions of the HFRA are not subject to the requirements in subpart B of this part.

(b) When authorized hazardous fuel reduction projects are approved contemporaneously with a plan amendment that applies only to that project, the objection process of this part applies to both the plan amendment and the project.

##### § 218.32 Objection time periods.

(a) *Time to file an objection.* Written objections, including any attachments, must be filed with the reviewing officer within 30 days following the publication date of the legal notice of the EA or final EIS in the newspaper of record or the publication date of the notice in the **Federal Register** when the Chief is the responsible official (see § 218.6(c)). It is the responsibility of objectors to ensure that their objection is received in a timely manner.

(b) *Time for responding to an objection.* The reviewing officer must issue a written response to the objector(s) concerning their objection(s) within 30 days following the end of the objection-filing period.

Dated: July 19, 2012.

Thomas L. Tidwell,  
Chief, Forest Service.

[FR Doc. 2012-19302 Filed 8-7-12; 8:45 am]

BILLING CODE 3410-11-P



**AGENDA REQUEST FORM**  
**BOARD OF SUPERVISORS**  
**COUNTY OF INYO**

- Consent       Departmental       Correspondence Action       Public Hearing  
 Schedule time for       Closed Session       Informational

For Clerk's Use  
Only:

AGENDA NUMBER

11

FROM: Road Department

FOR THE BOARD MEETING OF: August 28, 2012

SUBJECT: Closure of Barlow Lane.

**DEPARTMENTAL RECOMMENDATIONS:**

Request Board approves the temporary closure of the following roads: Barlow Lane on September 5<sup>th</sup> and 6<sup>th</sup>, 2012, and the closure of See Vee Lane on August 28<sup>th</sup> and 29<sup>th</sup>, 2012 and September 11<sup>th</sup> and 12<sup>th</sup>, 2012 and ratify these closures on August 9, 2012.

Allow the Road Commissioner to approve a modification of the road closure dates contingent upon unforeseen circumstances such as storms, equipment failures or availability of the asphalt plant.

**CAO RECOMMENDATION:**

**SUMMARY DISCUSSION:**

The Bishop Tribe has a grant for funding road improvements. They have approached the Road Department about using their grant to purchase materials if the County would place the pavement to repave the County maintained roads, Barlow Lane and See Vee Lane, which are on the reservation. These roads are in need of resurfacing and having the tribe provide the materials is a way for the County to be able to accomplish these projects without the cost of materials. The roads required some preliminary maintenance, including a leveling course prior to the paving. The leveling course for Barlow Lane was completed on August 9, 2012 and the leveling course for See Vee Lane is scheduled for August 28<sup>th</sup> and 29<sup>th</sup>, 2012. The materials and labor for the leveling courses are provided by the Road Department. Local traffic will be allowed into properties during the closure, but it will be closed to through traffic.

**ALTERNATIVES:**

The Board could elect to not approve the road closures, but this is not recommended as it would mean either the roads do not get repaved, or the quality of the final project would not be as good and would cost more for traffic control.

**OTHER AGENCY INVOLVEMENT:**

California Highway Patrol will be notified of the closure.  
Inyo County Sheriff's Office will be notified of the proposed event.  
Bishop School District will be notified of the closure  
Caltrans encroachment permit will be obtained for traffic control on  
Hwy 395 and 168, (W. Line Street)

**FINANCING:**

None required.

Road Closures

**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)

*TCW*

Date: 8/23/12

*FOR DOUG WILSON*



**AGENDA REQUEST FORM**  
BOARD OF SUPERVISORS  
COUNTY OF INYO

For Clerk's Use Only:  
**AGENDA NUMBER**

12

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

**FROM:** Integrated Waste Management  
**FOR THE BOARD MEETING OF:** August 28, 2012  
**SUBJECT:** Approve the Purchase of two (2) Water Trucks to be utilized by the Inyo County Waste Management Program.

**DEPARTMENTAL RECOMMENDATION:**

That your Board, (1) Authorize the purchase of two (2) 2012 Ford F-750 Water Sprayer Trucks for an amount of \$151,520.58 (total purchase price, including taxes and other fees) from Valew Quality Truck Bodies of Adelanto, CA, contingent on obtaining appropriate signatures and Board approval of the 2012/2013 fiscal year budget and (2) Authorize the Senior Deputy County Administrator to execute all related purchase documents as required.

**SUMMARY DISCUSSION:**

On March 13, 2012, your Board approved Resolution 2012-14, which authorized the submittal of a proposal application to the Clean Air Projects Program (CAPP) by Inyo County Integrated Waste Management (IWM) that requested two (2) 2000 gallon water trucks for use at the Bishop-Sunland and Lone Pine Landfills. At the Great Basin Unified Air Pollution Control District's Governing Board meeting of May 24, 2012, this proposal received final approval and funding in the amount of \$149,000. These new water trucks will be California Air Resources Board (CARB) compliant and will greatly enhance IWM's ability to control airborne particulate matter emissions at the landfills.

Following established Inyo County purchasing policy guidelines, IWM recently advertised a "Request for Proposals" for the purchase of two (2), 2000 gallon water sprayer trucks. IWM also sent out four (4) Requests for Proposals to known companies that manufacture water sprayer trucks. IWM received proposal bids that were opened on the deadline of August 3, 2012 at 5:00 pm from the following companies, which are summarized as follows:

- Valew Quality Truck Bodies of Adelanto, CA \$151,520.58
- Scelzi Enterprises, Inc., Fresno, CA (No Response)
- McLellan Truck Sales, Hanford, CA (No Response)
- Global Truck and Equip. Sales, Huntington Beach, CA (No Response)

Note: The Valew Quality Truck Bodies proposal amount was originally \$154,117.58 (this amount included Calif. Vehicle License fees of \$2222.00 and an additional \$375 vehicle delivery fee). The County will register this vehicle as CA Exempt thereby avoiding any CA license fee. Also, because both trucks will be shipped together, the manufacturer will reduce delivery fees by \$375.

**ALTERNATIVES:**

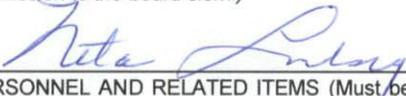
Your Board could choose not to award the bid for the purchase of two (2) water sprayer trucks; however, this is not recommended for two reasons:

1. The low-bid received from Valew Quality Truck Bodies has been reviewed by IWM staff and has been determined to be very competitive; and,

- The CAPP funded portion of \$149,000 represents 98.3% of the total purchase price (taxes and other fees are included) of \$151,520.58 of the two (2) 2012 Ford F-750 water sprayer trucks. Additionally, the CAPP projects must be completed and all program funds expended by December 31, 2013.

**FINANCING:**

The funds for this purchase are included in the preliminary and CAO Recommended 2012/2013 Solid Waste Budget 045700, Object Code 5650.

| <b>APPROVALS</b>   |   |
|--|---|
| COUNTY COUNSEL:<br>      | 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.)<br><br>Approved: <u>yes</u> Date <u>8/22/2012</u> |
| AUDITOR/CONTROLLER:<br> | ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)<br><br>Approved: <u>yes</u> Date <u>8/22/12</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.)<br><br>Approved: _____ Date _____   |

**DEPARTMENT HEAD SIGNATURE:**  
(Not to be signed until all approvals are received)  
(The Original plus 20 copies of this document are required) Jeff Ahlstrom Date: 8/22/12

# Valew Quality Truck Bodies

PO Box 310                      PHONE (760) 246-4878  
ADELANTO, CA 92301        FAX (760) 246-4088

Re: (2) Water Truck Units

Mr. Ahlstrom,

Thank you for the opportunity to bid on these units. I have enclosed all of the pricing on the Valew units we had previously discussed. Please note that the shipping charges will be cut by \$375 if both trucks are shipped together. Please feel free to let me know if you have any questions, regarding Valew's bid. Valew greatly appreciates your business and looks forward to any future dealings Valew has with you.

Respectfully,  
Brett Manahl

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Off. # 760-246-4878  
Cell # 760-524-1378  
Fax # 760-246-4088  
Email: [brett@valew.com](mailto:brett@valew.com)

# Valew Welding & Fabrication

PO Box 310  
 Adelanto, CA 92301-2704  
 Phone: 760-246-4878 \* Fax: 760-246-4088

# Estimate

|           |            |
|-----------|------------|
| Date      | Estimate # |
| 7/24/2012 | 4731       |

|  |
|--|
| <b>Name / Address</b>  |
| Inyo County Waste Management<br>163 May Street<br>Bishop, CA 93514 |

| P.O. No.   | Terms                      | Rep | Account # | FOB                      | Ship Via            |
|--|----------------------------|-----|-----------|--------------------------|---------------------|
|  | Comp. Ck                   | BM  | 100       | Valew                    | DELIVER             |
| Item   | Description                | Qty | Rate      | Total                    |                     |
| FORD   | 2012 FORD F750<br>VIN: TBD | 2   | 69,900.00 | 139,800.00T              |                     |
| VA 2-00-048  | 10' TANK SYSTEM            | 2   | 0.00      | 0.00T                    |                     |
| Doc. Fees  | DOCUMENT FEES              | 2   | 65.00     | 130.00T                  |                     |
| Lic. Fees  | LICENSING FEES             | 2   | 1,111.00  | 2,222.00                 |                     |
| Delivery   | DELIVERY CHARGE            | 2   | 550.00    | 1,100.00                 |                     |
| CTS  | CALIFORNIA TIRE SURCHARGE  | 2   | 10.50     | 21.00                    |                     |
|  |                            |     |           | <b>Subtotal</b>          | <b>\$143,273.00</b> |
| A Certified Check is Required for Amounts Over \$400.00                                  |                            |     |           | <b>Sales Tax (7.75%)</b> | <b>\$10,844.58</b>  |
| NOTE: Federal Exise Tax is required on vehicles over 33,000 GVWR<br>12% of Invoice Total |                            |     |           | <b>Total</b>             | <b>\$154,117.58</b> |

Will Call from 7:00am to 3:30pm Monday-Friday

Signature \_\_\_\_\_

# **Valew Welding & Fabrication**

P.O. Box 310      PHONE (760) 246-4878  
ADELANTO, CA 92301      FAX (760) 246-4088

## **2012 Ford F750 with Valew 2000 Gal. Water Tank**

### **Ford Specifications:**

**Cummins w/ 205HP**  
**Eaton Fuller 6-Speed Manual Transmission**  
**26,000 GVW (12k Front, 21k Rear)**  
**Air Brakes**  
**45-Gallon Fuel Tank**  
**Cruise Control, A/C, P/S, AM/FM Radio**  
**Driver and Passenger non-suspension bucket seats**  
**Cab White in Color**

### **Valew Water Tank Specifications:**

**10' Tank/ 3/16" Steel/ Fully Welded Baffle System**  
**2,000 Gallon Capacity (Approximate Off-highway Capacity)**  
**3" X 4" Centrifugal Water Pump**  
**Air Shift PTO**  
**Independent Air Controls**  
**2 Front, 2 Rear, and 1 Side Sprays**  
**(1) 1 1/2" Pressurized Hose Outlet**  
**(1) 3/4" Pressurized Hose Outlet**  
**Anti-Siphon Loading Pipe w/ Loading Hose**  
**Overfill Protection**  
**Push block with toolbox**  
**Valew Style Hose Reel**  
**Suction Plumbing**  
**Back up alarm, legal lights, and mud flaps.**  
**Primed and Painted White in Color**

**Price \$69,900.00 before all applicable taxes  
and fees. (Quotation Only)**

This quotation is not binding upon the seller without seller's authorized signature and signed formal order from buyer.

**Integrated Waste Management  
Parks and Recreation  
Motor Pool**



**TEL. (760) 873-5577  
FAX. (760) 873-5599**

## **COUNTY OF INYO**

**Administrative Services  
163 May Street  
Bishop, California 93514**

**July 16, 2012**

**Mr. Brett Manahl  
Valew Fabrication and Welding, Sales Dept.  
P.O. Box 310  
Adelanto, CA 92301**

**Mr. Manahl,**

Enclosed please find a Dealer Bid Package and other information that pertains to the County of Inyo, Integrated Waste Management program Request for Bid for the purchase of two (2) water trucks. I realize that we have discussed the purchase of these trucks with your company in the recent past and that Valew has graciously responded with quotes for the trucks. However, due to Inyo County's purchasing policy we will need a more formal (i.e. signed original Dealer Bid Package) response returned to our office no later than the August 3, 2012 bid deadline.

These water trucks will be used at Inyo County landfills for controlling blowing dirt on unpaved surfaces. Please review the enclosed vehicle specification sheet and, if interested in submitting a Bid, please fill out the required information and mail back an original signed bid prior to the bid deadline, August 3, 2012.

Please return the completed bid package(s) to the address shown in the bidder's instructions.

Please contact me at (760) 873-5577 if you have any questions regarding this bid request.

Sincerely,

A handwritten signature in black ink that reads "Jeff Ahlstrom".

**Jeff Ahlstrom  
Managing Landfill Engineer**

## VEHICLE SPECIFICATIONS

New, model year 2011 or newer, diesel powered Water Sprayer Trucks

**This bid/quote request is for the purchase of two (2) Each - Water Sprayer Trucks, with each containing the following elements:**

### Model Profile

**TRUCK AND CHASSIS:** New, 2011 Model or Newer

**APPLICATION:** Water Sprayer Truck  
GVW: 26,000 (12k Front, 21k Rear)

**BRAKES:** Air

**ENGINE, DIESEL:** Minimum: 205 HP; California Air Resources Board (CARB) Emissions Compliant

**TRANSMISSION:** 6-Speed Manual

**CAB / FEATURES:** White in Color, Cruise Control, A/C, P/S, AM/FM Radio, Driver and Passenger non-suspension bucket seats

**FUEL TANK:** 45-Gallon, Locking

**WATER TANK TYPE / CAPACITY:** New, 10' Tank - 3/16" Steel / Fully Welded Baffle Type - 2000 Gallon (Approx. Off-Highway Capacity); Primed and Painted White in Color

**PUMP:** 3" X 4" - Centrifugal Water Pump

**AIR SHIFT PTO:** Independent Air Controls

**SPRAYERS:** 2 Front, 2 Rear, 2 Side

**OVERFILL PROTECTION:** Yes

**HOSE OUTLET(s):** (1) 1 1/2" and (1) 3/4" Pressurized Type

**PUSH BLOCK:** Yes w/ Toolbox

**HOSE REEL:** Yes - 50 Ft. Capacity

**SUCTION PLUMBING:** Yes

**OTHER REQUIRED FEATURES:** Back up Alarm, Legal Lights, and Mud Flaps

**INCLUDE ALL SERVICE MANUALS**

DEALER BID SHEET

Year, Make and Model: (to be completed by Dealer)

2012 FORD F750

DELIVERY TIME

Number of Calendar days, after placement of order, that Dealer commits (to buyer) that vehicle(s) will be delivered to Bishop-Sunland Landfill, 110 Sunland Indian Reservation Road, Bishop, CA 93514, is 70 days.

PRICE

|                 |                      |               |
|-----------------|----------------------|---------------|
| Base Price      | \$ <u>69,900</u>     |               |
| Subtotal        | \$ <u>143,273</u>    |               |
| Sales Tax 7.75% | \$ <u>10,844.58</u>  |               |
| CA Tire Fee     | \$ <u>21.00</u>      |               |
| Total Price     | \$ <u>154,117.58</u> | For (2) units |

**NOTE: A Completed bid package (Dealer Bid Sheet) must be returned no later than:**

**August 3, 2012**

Please mark the sealed response envelope "Water Trucks Bid - Bid No. IWM 2012" and submit to:

To: Inyo County Waste Management  
163 May Street  
Bishop, CA 93514  
Attn: Kelli Lanshaw

AGREEMENT

VEHICLE(S):

Quantity (i.e. No.) 2 Year: 2012 Make & Model Ford F750

We hereby agree to furnish the vehicle as specified above the prices and terms stated, to Inyo County Integrated Waste Management, subject to the instructions and specifications set forth in the attached bid documents.

Executed at ADRIANTS California July 24<sup>th</sup> 2012.

Company: VALEW QUALITY TRUCK BODIES

Address: PO BOX 310

City: ADELANTO

State: CALIFORNIA

Signature: 

Print Name: BRETT MAUHL

Contact Information:

Name: BRETT MAUHL

Phone: 760-524-1378

Email: Brett@valew.com

Fax: 760-246-4088

EXCEPTIONS TO SPECIFICATIONS

\_\_\_\_\_  
\_\_\_\_\_

INSTRUCTIONS TO BIDDERS

1. Evaluation and selection of the lowest bidder shall be based on the bid price of the vehicle meeting all of the specifications. Inyo County reserves the right in a case where none of the vehicles meet the specifications, to award to the lowest price vehicle which comes closest to meeting the specifications.
2. Inyo County reserves the right to reject any and all bids, and to waive any minor bid discrepancies.
3. The low bidder shall have 60 days from the date of award to deliver the vehicles to the Bishop-Sunland Landfill, 110 Sunland Indian Reservation Road, Bishop, CA 93514.
4. Bidders may provide a discount for early payment. The time limit for counting the early payment period shall not be calculated until after the vehicle has been delivered and accepted in accordance with the terms of the specifications.
5. The County reserves the right to make an award anytime during a 90-day period following the receipt of bids.
6. All bids must include the firm's name, and be signed by a responsible officer or employee of the firm submitting the bid.
7. The bid(s) must be submitted in a sealed envelope, marked "Water Trucks Bid", with the bid no. listed and addressed to: Inyo County Integrated Waste Management, 163 May Street, Bishop California 93514.
8. Due to budget considerations, Inyo County reserves the right to modify the number of vehicles to be purchased.
9. Local businesses are entitled to contracting and or purchase preference. A local business (as defined by ordinance) is entitled to a preference if its bid is within 8% of the base price of the low bid received and will be treated as the low bidder. **To be eligible for the preferences, a local business must provide a certification that it is a local business as defined by Inyo County Code §6.06.020 (b) with its bid.**
10. Inyo County Integrated Waste Management must have the ability to have all warranty work performed within 100 miles of Independence, CA 93514.

The following documents shall be delivered to Inyo County with the vehicle:

1. Completed and signed pre-delivery service checklist.
2. Window sticker showing all options installed.
3. An Owner's Manual, Warranty Certificate and card should be in the vehicle when delivered.

**QUALITY ASSURANCE PROVISIONS**

Prior to delivery, each vehicle shall be completely inspected, serviced and detailed by the delivering dealer and/or the manufacturer's pre-delivery service center. A copy of the pre-delivery checklist shall be completed and signed by a representative of the organization performing the inspection/service and delivered with the vehicle.

A representative of Inyo County following delivery at the designated location will make inspection of the vehicle. In the event deficiencies are detected, the vehicle will be rejected and the dealer will be required to make the necessary repairs, adjustments and/or corrections. Payment and/or commencement of a discount period will not be made until the defects are corrected, and the vehicle re-inspected and accepted. The dealer shall be required to pick up the vehicle and deliver to the business that will be making the repairs and/or adjustments.

Inyo County shall have two (2) working days from date of delivery to inspect the vehicle and report any defects to the dealer. Undetected deficiencies not related to compliance with the specifications shall be handled under normal warranty provisions. Undetected deficiencies in meeting specifications shall not relieve the dealer from the responsibility of correcting such deficiencies should they be detected at any time after purchase and acceptance.

Material or Services  
to be delivered to: Inyo County Landfill, Bishop-Sunland  
110 Sunland Indian Reservation Rd  
BISHOP, CA 93514

Please mark envelope  
"Water Trucks Bid-IWM 2012"  
and submit sealed bids to: INYO COUNTY WASTE MANAGEMENT  
163 MAY STREET  
BISHOP, CA 93514  
ATTN: Kelli Lanshaw

BID'S DUE: August 3, 2012 TIME: 5:00 PM

PRICES QUOTED F.O.B. DESTINATION UNLESS OTHERWISE STATED. MAKE YOUR  
BID OR QUOTATION IN THE SPACE PROVIDED ON THE ATTACHED SHEETS.

**IMPORTANT:** Bid must be sealed with bid number as indicated above on the outside  
of the envelope. Read the Instructions and Conditions before making your Bid or  
Quotation.

### INSTRUCTIONS & CONDITIONS

1. All prices and notations must be typewritten or written in ink. No erasures permitted. Mistakes may be crossed out and corrections made adjacent to and must be initialed in ink by person signing quotation.
2. State brand or make on each item. If quoting on article exactly as specified, the bidder must strike out the words "or equal". If quoting on other than make, model or brand specified, the manufacturer's name and the catalogue number must be given, or descriptive cut and information attached to the quotations.
3. Quote on each item separately. Prices should be stated in units specified herein.
4. Each quotation must be in separate sealed envelope with bid number on outside, and must be submitted to the Inyo County Waste Management Office, not later than the hour and day specified hereon, at which time it will be publicly opened and read.
5. Time of delivery is a part of the consideration and must be stated in definite terms, and must be adhered to. If time varies on different items, the bidder shall so state in the column provided, opposite each item.
6. Terms of less than ten days for cash discount will be considered as net.
7. All quotations must be signed with the Firm's name and by a responsible officer or employee. Obligations assumed by such signature must be fulfilled.
8. No charge for packing, drayage, or for any other purpose will be allowed over and above the prices quoted on this sheet.

9. The right is reserved, unless otherwise stated, to accept or reject any or all quotations, or any part thereof, either separately or as a whole, or, to waive any informality in a bid.
10. Samples of items, when required, must be furnished free of expense to the County of Inyo and if not destroyed by tests, will upon request be returned at the bidder's expense.
11. In case of default by the vendor, the County of Inyo may procure the articles or service from other sources.
12. Cost of transportation, handling, and/or inspection on deliveries, or offers for delivery, which do not meet the specifications will be paid for by the vendor.
13. The vendor shall hold the County of Inyo, its officers, agents, servants and employees, harmless from liability of any nature or kind on account of use of any copyrighted, or uncopyrighted composition, secret process, patented or unpatented invention, article or appliance furnished or used under this quotation.
14. The vendor will not be held liable for failure or delay in fulfillment if hindered or prevented by fire, strikes, or Acts of God.
15. Quotations are subject to acceptance at any time within ninety (90) days after opening same, unless otherwise stipulated.
16. Verify your quotations before submission as they cannot be withdrawn, or corrected, after being opened.
17. Return this sheet whether or not you quote a price. If you do not quote, state your reason, otherwise your name may be removed from our mailing list.
18. Amounts paid for transportation of property to the County of Inyo are exempt from Federal Transportation Tax. An exemption certificate is not required where shipping papers show the consignee as County of Inyo, as such, papers may be accepted by the carrier as proof of the exempt character of the equipment.
19. Local businesses are entitled to contracting and or purchase preference. A local business (as defined by ordinance) is entitled to a preference if its bid is within 8% based on the base price of the low bid received and will be treated as the low bidder. To be eligible for the preferences, a local business must provide a certification that it is a local business as defined by Inyo County Code §6.06.020 (b) with its bid.



CALIFORNIA DEPARTMENT OF  
**MOTOR VEHICLES**

**Vehicle Registration Fee Calculator**

*209*

**Transaction Date:** July 24, 2012  
**Type of Calculation:** Nonresident Vehicle Registration  
**Type of Vehicle:** Commercial  
**Model Year:** 2012  
**Motive Power:** Diesel  
**Number of Axles:** Two  
**Weight Type:** Combined Gross Vehicle Weight Range: 20,001 - 26,000 lbs  
**First Operated in CA:** July 24, 2012  
**Acquired/Purchase Date:** July 24, 2012  
**Acquired From:** California Dealer  
**Purchase Price:** \$69,900.00  
**Use/Sales Tax Credit:** \$0.00  
**County:** Inyo  
**Zip Code:** 93514

|   |                   |
|---|-------------------|
| <b>Current Registration:</b>  | 43.00             |
| <b>Current Vehicle License Fee:</b>                                       | 454.00            |
| <b>Commercial Vehicle Registration Act Registration Fee:</b>              | 122.00            |
| <b>Commercial Vehicle Registration Act Fingerprint ID Fee:</b>            | 3.00              |
| <b>Commercial Vehicle Registration Act Weight Fee:</b>                    | 424.00            |
| <b>Commercial Vehicle Registration Act California Highway Patrol Fee:</b> | 37.00             |
| <b>Current Cargo Theft Interdiction Program Fee:</b>                      | 3.00              |
| <b>Commercial Vehicle Registration Act Weight Decal Fee:</b>              | 3.00              |
| <b>Alt Fuel/Tech Reg Fee:</b>   | 3.00              |
| <b>Non-Resident Original Service Fee:</b>                                 | 18.00             |
| <b>Reflectorized License Plate Fee:</b>                                   | 1.00              |
| <b>Total Registration Fees:</b>   | <b>\$1,111.00</b> |
| <b>Total Use/Sales Tax (includes credit paid to another state):</b>       | <b>\$0.00</b>     |
| <b>Grand Total Registration Fees:</b>                                     | <b>\$1,111.00</b> |

Print Result



CALIFORNIA DEPARTMENT OF  
**MOTOR VEHICLES**

**Vehicle Registration Fee Calculator**

**Transaction Date:** July 24, 2012  
**Type of Calculation:** Nonresident Vehicle Registration  
**Type of Vehicle:** Commercial  
**Model Year:** 2012  
**Motive Power:** Diesel  
**Number of Axles:** Two  
**Weight Type:** Combined Gross Vehicle Weight Range: 20,001 - 26,000 lbs  
**First Operated in CA:** July 24, 2012  
**Acquired/Purchase Date:** July 24, 2012  
**Acquired From:** California Dealer  
**Purchase Price:** \$69,900.00  
**Use/Sales Tax Credit:** \$0.00  
**County:** Inyo  
**Zip Code:** 93514

|   |                   |
|---|-------------------|
| <b>Current Registration:</b>  | 43.00             |
| <b>Current Vehicle License Fee:</b>                                       | 454.00            |
| <b>Commercial Vehicle Registration Act Registration Fee:</b>              | 122.00            |
| <b>Commercial Vehicle Registration Act Fingerprint ID Fee:</b>            | 3.00              |
| <b>Commercial Vehicle Registration Act Weight Fee:</b>                    | 424.00            |
| <b>Commercial Vehicle Registration Act California Highway Patrol Fee:</b> | 37.00             |
| <b>Current Cargo Theft Interdiction Program Fee:</b>                      | 3.00              |
| <b>Commercial Vehicle Registration Act Weight Decal Fee:</b>              | 3.00              |
| <b>Alt Fuel/Tech Reg Fee:</b>   | 3.00              |
| <b>Non-Resident Original Service Fee:</b>                                 | 18.00             |
| <b>Reflectorized License Plate Fee:</b>                                   | 1.00              |
| <b>Total Registration Fees:</b>   | <b>\$1,111.00</b> |
| <b>Total Use/Sales Tax (includes credit paid to another state):</b>       | <b>\$0.00</b>     |
| <b>Grand Total Registration Fees:</b>                                     | <b>\$1,111.00</b> |

Print Result



**AGENDA REQUEST FORM**  
BOARD OF SUPERVISORS  
COUNTY OF INYO

For Clerk's Use Only:  
AGENDA NUMBER

13

- 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:** August 28, 2012

**SUBJECT:** Approval of Minutes

**DEPARTMENTAL RECOMMENDATION:** - Request approval the minutes of the Board of Supervisors Meeting of A) the Special Meeting of August 8, 2012; and B) the Regular meeting of August 14, 2012.

**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](http://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><br><br>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><br><br>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><br><br>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**  
15

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

**FROM:** HEALTH & HUMAN SERVICES – ESAAA

**FOR THE BOARD MEETING OF:** August 28, 2012

**SUBJECT:** Approval of Four-Year Plan for Services

**DEPARTMENTAL RECOMMENDATION:**

Recommend approval of the 2012-2016 Area Plan for Services for Planning and Services Area 16 (Inyo and Mono Counties), and authorize the Chairperson to sign the required Transmittal Letter.

**CAO RECOMMENDATION:**

**SUMMARY DISCUSSION:**

Every four years, the local Area Agency on Aging is required to conduct an extensive needs assessment of regional seniors, including those living in long-term care facilities. Input from the needs assessment then is used to develop the mandated Four-Year Plan for services. This year's plan missed the May 2012 deadline, waiting for the designation by California Department of Aging (CDA) of a new governing Board. That written designation of the Inyo County Board of Supervisors was provided during the first week of June. Following that, the Board set the federally-required minimum percentages of funding of in-home, access, and legal services, which then allowed staff to move forward with the preparation of the Four-Year Plan.

At the time of the writing of this Agenda Request, public hearings on this Four Year Plan were scheduled for Monday, August 27, with the ESAAA Advisory Council, and for Tuesday, August 28, in the Board of Supervisors room in Independence. Input from those Public Hearings will be incorporated into the final draft of the document and submitted to the CA Department of Aging, along with the signed Transmittal letter, on or before the deadline of September 1.

**ALTERNATIVES:**

Board could choose to delay approval of the plan, which would delay submission to CDA, and delay receipt of current year's funding.

**OTHER AGENCY INVOLVEMENT:**

County of Mono, two yet-to-be-determined subcontractors for Ombudsman and Legal Assistance (RFQs close August 24, 2012), California Department of Aging

**FINANCING:**

There is no funding involved in this request.

**APPROVALS**

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

**DEPARTMENT HEAD SIGNATURE:**

(Not to be signed until all approvals are received)

*Jean Turner*

Date: 8-20-12

**TRANSMITTAL LETTER  
Four-Year Area Plan  
2012-2016**

**AAA Name:** County of Inyo - Eastern Sierra Area Agency on Aging

**PSA Number** 16

This Area Plan is hereby submitted to the California Department of Aging for approval. The Governing Board and the Advisory Council have each had the opportunity to participate in the planning process and to review and comment on the Area Plan. The Governing Board, Advisory Council, and Area Agency Director actively support the planning and development of community-based systems of care and will ensure compliance with the assurances set forth in this Area Plan. The undersigned recognize the responsibility within each community to establish systems in order to address the care needs of older individuals and their family caregivers in this planning and service area.

1. Marty Fortney

\_\_\_\_\_  
Signature: Governing Board Chair

\_\_\_\_\_  
Date

2. Roger Rasche

\_\_\_\_\_  
Signature: Advisory Council Chair

\_\_\_\_\_  
Date

3. Jean Turner

\_\_\_\_\_  
Signature: Area Agency Director

\_\_\_\_\_  
Date

**DRAFT**

**EASTERN SIERRA AREA AGENCY ON AGING  
(ESAAA)**

for

**PLANNING & SERVICE AREA (PSA) 16**

**2012-2016 AREA PLAN FOR SERVICES**

August 28, 2012

*Submitted by  
The Eastern Sierra Area Agency on Aging Program  
of the  
Inyo County Health and Human Services Department  
163 May Street  
Bishop, CA 93514  
760 873-3305*

Inyo County Board of Supervisors Chairperson Marty Fortney  
ESAAA Advisory Council Chairperson Roger Rasche  
ESAAA Director Jean Turner  
[jturner@inyocounty.us](mailto:jturner@inyocounty.us)

**EASTERN SIERRA AREA AGENCY ON AGING (ESAAA)  
FOUR-YEAR PLAN FOR 2012-2016**

**SECTION 1. Mission Statement**

The Mission of the Eastern Sierra Area Agency on Aging (ESAAA) is to provide leadership in addressing issues that relate to older Californians, to develop community-based systems of care that provide services which support independence within California's interdependent society, and which protect the quality of life of older persons and persons with functional impairments, and to promote citizen involvement in the planning and delivery of services.

ESAAA is committed to the vision that older adults live informed, active, healthy and self-determined lives.

**SECTION 2. Description of the Planning and Service Area 16 (PSA 16)**

The Counties of Inyo and Mono are located at the eastern edge of California, approximately midway between the northern and southern boundaries of the state. The two-county area is a long triangle of which Mono County forms the apex and Inyo County the base. The east side of the triangle comprises about 300 miles of the California-Nevada border. Kern, San Bernardino, Fresno, Tulare and Alpine Counties share borders on the north, south and west. Total area exceeds 13,000 square miles. The total year-round population is approximately 32,750, but visitors and second homeowners double this at certain times of the year.

The area can be divided into essentially two geographic regions. The Western portion includes the Sierra Nevada Mountain range, which, with its forest, lakes, streams, and ski slopes, plays a major role in the resources and economy of the area, attracting outdoors enthusiasts for hiking, backpacking, hang gliding, snow skiing, snowboarding, fishing, camping and hunting. The Eastern two-thirds of the area is made up essentially of desert basins and mountain ranges, featuring the Death Valley National Park. Emphasizing the contrasting topography of the area is the fact that the western edge of Inyo County contains Mt. Whitney, the highest peak in the United States outside of Alaska, while the eastern region includes Death Valley, in which is found the lowest point in the western hemisphere. Most of the population of the counties is located in the Owens Valley, along the base of the Sierra Nevada Mountains, and in mountain communities in Mono County along US Highway 395. Small pockets of population also are found along Highway 6 in Mono County and, in Inyo County, east of the Death Valley National Park boundary.

This expansive geographic region of over 13,000 square miles, spread out over desert and mountain terrain, coupled with the dispersed and diverse population pockets, also provides significant constraints and challenges in the delivery of services and in the development of overarching systems for services.

According to California Department of Aging 2012 Population Demographics, the Inyo County population aged 60+ is 4,874; the Mono County population aged 60+ is 2,190. The following table takes a closer look at the demographics of PSA 16.

| PSA 16      | Population 60+ | Non-Minority 60+ | Minority 60+ | Low Income 60+ | Medi-Cal Eligible 60+ | SSI/SSP 65+ | Population 75+ | Lives Alone 60+ | Non-English 60+ |
|-------------|----------------|------------------|--------------|----------------|-----------------------|-------------|----------------|-----------------|-----------------|
| Inyo County | 4,874          | 4,146            | 728          | 380            | 497                   | 130         | 1,717          | 1,467           | 60              |
| Mono County | 2,190          | 1,961            | 229          | 120            | 0                     | 0           | 455            | 537             | 10              |

**SECTION 3. Description of the Area Agency on Aging (AAA)**

The designation of the Area Agency on Aging for PSA 16 changed in June 2012, from a previous Joint Powers Agreement for the Inyo-Mono Governing Board, to the current governance structure under the Inyo County Board of Supervisors. Renamed the Eastern Sierra Area Agency on Agency (ESAAA), the AAA now is organized within the Inyo County Health and Human Services Department. The ESAAA Director, also the Health and Human Services (HHS) Director, reports directly to the Inyo County Board of Supervisors. Within the Inyo County Health and Human Services (HHS) Department, the Eastern Sierra Area Agency on Aging (ESAAA) is the lead adult services program within the Adult Services division.

The HHS Department is the largest department within the structure of the County of Inyo, and is the largest and lead agency within Inyo County for providing services to older adults. The HHS/ESAAA *leadership* role in serving local residents is implemented through

- Weekly discussion, updates and presentations to the Inyo County Board of Supervisors
- Weekly planning and coordination of services systems between and among ESAAA, Adults Protective Services, In-Home Supportive Services
- Monthly planning and coordination of services systems between and among ESAAA, Social Services, Public Health and Behavioral Health
- Bi-annual coordination of care with executives of local hospitals, Toiyabe Indian Health Care, and public and private health care entities
- At least quarterly planning, updates, and coordination of services with appointed and elected officials in Mono County and with the City of Bishop
- Bi-annual coordination of care with local transit officials
- At least monthly presentations and discussions at three or more regional multipurpose Senior Centers

*Promotion of the involvement of older individuals, adults with disabilities, and their caregivers in developing community-based systems of care* is accomplished through

- regular outreach at seniors centers throughout the region on a monthly basis
- participation in and support for the senior volunteer group known as the Bishop Senior Recreation Committee
- coordination with the Inyo County Mental Health Psychiatric Nurse and with the Mental Health Wellness Center for outreach to adults with mental health disabilities
- at least quarterly meetings of the ESAAA Advisory Council

*The development of community-based systems of services to support the independence and protect the quality of life of older individuals, adults with disabilities, and their caregivers will*

continue through continued outreach and monitoring of older adults by caregivers and service providers of in-home services and home-delivered meals. The Inyo County Mental Health Psychiatric Nurse will continue to provide identified, targeted training to ESAAA staff to assist in the identification of symptoms of emerging mental health concerns.

*The service delivery system goals* will be developed and implemented through much planning and coordination, as described above, with Social Services, Public health, Behavioral Health, transit, Toiyabe Indian Health Project, health care providers, ESAAA Advisory Council, as well as with appointed and elected officials.

#### **SECTION 4. Planning Process/Establishing Priorities**

The planning process involved a Needs Assessment survey for older adults living in long-term care facilities, as well as another community Needs Assessment survey, printed in English and in Spanish, for older adults living independently within the PSA. (**Attachment A**) Survey languages (English and Spanish) were chosen to match the exact populations living in long-term care facilities, as well as the general population. Surveys were disseminated directly at long-term care facilities. Community surveys of needs were distributed in-person at all multipurpose senior centers, through home-delivered meals, to family caregivers, through public agency (AAA, Social Services, Mental Health, Public Health, Toiyabe Indian Health Project) employees who serve older adults, in public meetings of local Boards of Supervisors, and in the local newspaper.

The community Needs Assessment responses were analyzed and ranked for prioritization purposes. (**Attachment A**) Because of historical differences of needs and services within the region, specifically between Inyo and Mono counties, the responses and rankings were separated by county. These rankings informed the prioritization of services, particularly within the IIIB allowable categories.

#### **SECTION 5. Needs Assessment**

Community surveys of needs were distributed in-person at all multipurpose senior centers, through home-delivered meals, to family caregivers, through public agency (AAA, Social Services, Mental Health, Public Health, Toiyabe Indian Health Project) employees who serve older adults, in public meetings of local Boards of Supervisors, and in the local newspaper. Seniors were encouraged to complete surveys through a series of public outreach meetings held at local senior centers.

In the most recent 2012 Community Needs Assessment, a question was added to ascertain whether or not individual respondents chose to self-identify as lesbian, gay, bisexual or transgender (LGBT). There are no organization entities within the PSA that target the LGBT population, so self-identification through an anonymous survey of needs was the only option for including the LGBT population. Twenty-six (26) out of 241 total respondents self-identified as lesbian, gay or bi-sexual; no one self-identified as transgender. Of the twenty-six lesbian, gay or bi-sexual respondents, all but two were residents of Inyo County; only two self-identified from Mono County. The group as a whole predominantly mirrored the general trends from the Needs Assessment, in that, prioritized needs identified were (1) access to out of the area health care, (2)

access to local health care and shopping, (3) food and nutrition, and (4) more money in general to live on.

The results of the Community Needs Assessment were used specifically to determine priorities for IIIB funding. Specifically, issues of access to health care and other specialty services was a predominant theme in the entire PSA, thus greatly influencing the setting of minimum percentages of funding for transportation and assisted transportation.

In addition to the Community Needs Assessment discussed above, an additional Needs Assessment was distributed to residents of the three LTC facilities in the PSA. A total of sixty (60) LTC seniors and/or persons with disabilities responded.

Aggregate responses from each Inyo and Mono Counties; Community Needs Assessment are included in (**Attachment A**), along with aggregate response from LTC facilities.

### **SECTION 6. Targeting**

The entire PSA is considered rural and isolated in that the combined population is approximately 32,000 residents. The closest urban areas both are located in the State of Nevada, with Reno being approximately one-and-one-half hours drive from the northernmost point of the PSA, and Las Vegas being approximately one-and-one-quarter hours drive from the southeasternmost point of the PSA.

The two largest minority groups in the PSA are Native American and Hispanic populations. Needs Assessment surveys were distributed through Toiyabe Indian Health Project staff to Native Americans. Only twelve (12) out of the 241 total respondents self-identified as Native American. The low response likely is a result of the excellent services provided to tribal elders through the Toiyabe Indian Health Project, thus making participation by tribal elders very low within the AAA-funded service population.

Outreach to the Hispanic population was through a Spanish-language translation of the survey, which was distributed in identified Spanish-language grocery stores and other local private entities frequented by local Hispanic adults. No completed Spanish-language surveys were returned.

Specialized Needs Assessments were also sent to each of the three (3) long-term care (LTC) facilities for distribution to their LTC seniors and persons with disabilities; sixty (60) surveys were returned. Responses are in (**Attachment A**).

The Older Americans Act, the Older Californians Act, and the California Code of Regulations require targeting to older individuals with the greatest economic need and greatest social need. (**Attachment C**) provides the Elder Economic Security Standard Index for each Inyo and Mono Counties, as well as an analysis of the Income Distribution by Community, as extracted from the Community Needs Survey of 2012. Similar income issues exist throughout the PSA, with small population pockets of low income, socially isolated seniors located in both extreme ends of the

PSA. The geographical expanse of this region is a significant barrier to providing minimally sufficient services to the most isolated, lowest income seniors.

### **SECTION 7. Public Hearings**

As part of a noticed Advisory Council meeting, a scheduled Public Hearing on the draft Four-Year Plan was held on August 27, 2012, in Bishop, with videoconferencing provided in the communities of Bridgeport and Tecopa. The public hearing continued on August 28, 2012, as part of the published public meeting of the Governing Board. Program Development (PD) and Program Coordination (C) activities were discussed. No PD and C comments were received. Additionally, outreach efforts for seeking input from institutionalized, homebound and/or disabled individuals included dissemination of the draft Four Year Plan to all three local long-term care facilities for a comment period.

Attendees in a June public meeting of the Governing Board, at which minimal funding percentages were determined, and again in August Public Hearings, opportunities were provided for members of the public to testify regarding the setting of minimum percentages of Title III B funds. Comments were received concerning minimum percentages of Title III B funds from an Advisory Council member/employee of a subcontractor of Legal Assistance, at the June Advisory Council meeting, about the great need for Legal Assistance. Although the Advisory Council supported the plea for increasing the minimum percentage of funding for Legal Assistance, the Governing Board chose to rely on the ranking of needs by senior respondents in the Needs Assessment, which indicated that the need for Legal Assistance was a much lower priority than other areas.

### **SECTION 8. Identification of Priorities**

The administrative change at the governing board level occurred in the first half of June 2012. Because this occurred in the final month of the fiscal year, interim ninety-day contracts were developed to ensure continuity of services during the transition to a new governing board who had yet to set minimum priorities for funding. Thus for year one of the new Four-Year Plan period, the Title III B allocation was reduced by the amount of the interim contracts, leaving a total of \$80,492 for Year One.

Priorities were determined through a series of meetings at various senior centers throughout the first seven (7) months of 2012, through a community Needs Assessment distributed throughout the PSA, and through a two-year review of service utilization trends (**Attachment B**) throughout the PSA. Other factors influencing prioritization include the identification of the available funding, allowable uses of funds within each funding silo, the ranking of needs identified by our local seniors, the Elder Economic Security Standard Index for Inyo and Mono Counties (**Attachment C**).

With the entire PSA being a frontier rural and isolated area, meeting targeting mandates starts with that assumption. From there, coordination with Toiyabe Indian Health Project is on-going to ensure needs of a large minority group, local Native American seniors, are met, particularly in the food and nutrition areas. A lack of any returned Spanish-language Needs Assessments

supported anecdotal information about the extremely low number of older adult Hispanic residents.

Two primary influencing factors in determining priorities were the recurring feedback from area seniors, both verbally at in-person stakeholder meetings and via the Needs Assessment and Utilization Trends, were repeated concerns about the impact of the economy on already low-income seniors. Specifically, concerns were expressed about the extreme importance of (1) maintaining food and nutrition programs, and (2) the need for transportation to facilitate access to critical medical services both within the PSA and outside the PSA, as well as for basic shopping needs. The need for access to services was so strongly stated that our local Advisory Council recommended to our Governing Board that fifty per cent (50%) of Title III B funds be set at the minimum adequate proportion of funding for Access.

After the 50% was applied to the total Title III B funding allocation of \$107,406, to address Access (including Information and Assistance – also requested frequently on the Needs Assessment), In-Home was set at 5%, based on Needs Assessment and Utilization Trends, and Legal Assistance was set at 10%.

Anticipated changes in services will occur as a result of changes in available resources. In previous years, both Inyo and Mono Boards of Supervisors have augmented funding of AAA services: in Mono, augmentation was approximately \$160,000 during fiscal year 2011-12; in Inyo, augmentation was approximately \$687,000 during fiscal year 2011-12. The new governing board, the Inyo County Board of Supervisors, sets a strong philosophical policy standard of public budgets/programs living within their respective allocations. Thus, this Four-Year Plan will indicate service objectives and units of service that mirror the allocations and required local match amounts only. Coordination efforts will continue with other local programs and services to maintain a level of service that is close to or the same as in previous years.

**SECTION 9. –Area Plan Narrative Goals and Objectives**

**Goal #1**

|  |                                      |                                   |                      |
|--|--------------------------------------|-----------------------------------|----------------------|
| <b>Goal:</b> Promote positive physical and mental health outcomes for seniors and their caregivers.  |                                      |                                   |                      |
| <b>Rationale:</b> Most seniors concur that remaining in their own home is of major importance. Ensuring that the physical and mental well-being needs of our senior population are being addressed help to facilitate this outcome. Issues related to meeting the basic nutritional needs of seniors, as well as addressing access to health care services were identified as high priorities during the ESAAA needs assessment. |                                      |                                   |                      |
| <b>Objectives:</b>   | <b>Projected Start and End Dates</b> | <b>Title III B Funded PD or C</b> | <b>Update Status</b> |
| 1.1 ESAAA staff will coordinate with area service providers to establish a regular quarterly meeting with other service providers, the Long-Term Care Ombudsman, law enforcement and the District Attorney, to ensure that identified  | July 2012 – June 2013 and Ongoing    | C                                 |                      |

|  |  |          |  |
|--|--|----------|--|
| <p>at-risk seniors are connected to appropriate resources, as well as trends or gaps are identified and steps taken to adequately address these issues within the community.</p>   |  |          |  |
| <p>1.2 ESAAA staff will coordinate with the Long-Term Care Ombudsman and the County-based Social Services programs to ensure that training is provided to individuals, professionals, paraprofessionals and volunteers who provide services to the senior and dependent adult populations on the identification, prevention and treatment of elder abuse, neglect and exploitation on an annual basis. The continuum of training will ensure earlier identification and intervention of abuse and neglect.</p> | <p>July 2012 – June 2013 and Ongoing</p> | <p>C</p> |  |
| <p>1.3 ESAAA staff will coordinate with the County-based Social Services programs, law enforcement, and other senior service providers to bring relevant training in regards to issues impacting the safety of seniors, including, but not limited to financial abuse, self-neglect, and effective interventions.</p>  | <p>July 2012 – June 2013 and Ongoing</p> | <p>C</p> |  |
| <p>1.4 ESAAA staff will coordinate with Behavioral Health Staff to provide training to employees who deliver meals to homebound seniors, as well as staff in congregate settings, on issues related to the identification of seniors who may be experiencing depression or other Behavioral Health issues such as substance use or medication mismanagement in an effort to support early detection and intervention.</p>  | <p>July 2012 – June 2013 and Ongoing</p> | <p>C</p> |  |
| <p>1.5 ESAAA staff will coordinate with Behavioral Health Staff and nutrition program staff to disseminate information to the senior population on a quarterly basis on issues related to physical and emotional wellness and nutrition education in an effort to provide seniors with information to help them make better informed choices.</p>  | <p>July 2012 – June 2013 and Ongoing</p> | <p>C</p> |  |

|   |   |   |  |
|---|---|---|--|
| 1.6 ESAAA staff will coordinate with County-based senior service and social service programs to ensure that home based services such as personal care, homemaking and telephone reassurance are available to seniors to the extent possible in an effort to maintain seniors in their own home safely.  | July 2012 –<br>June 2013 and<br>Ongoing | C |  |
| 1.7 ESAAA staff will maintain congregate meal sites, providing basic nutrition services, as well as a resource for socialization and information in an effort to support physical and emotional wellness.   | July 2012 –<br>June 2013 and<br>Ongoing | C |  |
| 1.8 ESAAA staff will ensure home delivered nutrition services are available to frail and elderly seniors, as well as seniors who are isolated or are not near a congregate site in an effort to promote physical and emotional well-being.  | July 2012 –<br>June 2013 and<br>Ongoing | C |  |
| 1.9 ESAAA staff will coordinate with area service providers to establish a regular quarterly meeting with other service providers, the Long-Term Care Ombudsman, law enforcement and the District Attorney, to ensure that identified at-risk seniors are connected to appropriate resources, as well as trends or gaps are identified and steps taken to adequately address these issues within the community. | July 2012 –<br>June 2013 and<br>Ongoing | C |  |

**Goal #2**

|  |                                      |                                   |                      |
|--|--------------------------------------|-----------------------------------|----------------------|
| <b>Goal:</b> Maintain a minimum level of access to services, including health care services and local support services to seniors throughout our communities.  |                                      |                                   |                      |
| <b>Rationale:</b> Communities throughout both Inyo and Mono counties are isolated from many support services, including access to primary health care services, pharmacies and grocery vendors. Specialized care is often not locally available, requiring our older adults to travel to urban areas in southern California, as well as southern and northern Nevada. This issue was identified as one of the highest priorities for seniors in both counties. |                                      |                                   |                      |
| <b>Objectives:</b>   | <b>Projected Start and End Dates</b> | <b>Title III B Funded PD or C</b> | <b>Update Status</b> |
| 2.1 ESAAA staff will coordinate with County-Based social service programs,   | July 2012 –<br>June 2013             | C                                 |                      |

|   |                                   |   |  |
|---|-----------------------------------|---|--|
| such as IHSS to address the caregiving and transportation needs of seniors in an effort to promote access to health care services, both locally and out of the area.  |                                   |   |  |
| 2.2 ESAAA will coordinate with county and city agencies, as well as community based agencies to identify additional resources to support access to medical and other support services.  | July 2012 – June 2013 and Ongoing | C |  |
| 2.3 ESAAA staff will coordinate with other service organizations to ensure that a continuum of services are available and will provide information and assistance services to ensure seniors have access to information that addresses their needs.                                 | July 2012 – June 2013 and Ongoing | C |  |
| 2.4 ESAAA staff will coordinate with and ensure appropriate referrals are made to HICAP in order to help seniors address their medical coverage issues and remove any barriers to health care services.   | July 2012 – June 2013 and Ongoing | C |  |
| 2.5 ESAAA staff will coordinate with the Governing Board and the Advisory Council to monitor the needs of seniors throughout the planning area and assess the available opportunities to reach underserved seniors.   | July 2012 – June 2013 and Ongoing | C |  |
| 2.6 ESAAA staff will monitor changing state and federal policies and will coordinate with the Governing Board and Advisory Council to advocate on behalf of seniors to ensure issues related to adequate access to health care and support services remain a focus of policymakers. | July 2012 – June 2013 and Ongoing | C |  |

**Goal #3**

|   |                                      |                                   |                      |
|---|--------------------------------------|-----------------------------------|----------------------|
| <b>Goal:</b> Strengthen the service delivery system to proactively address unmet needs.   |                                      |                                   |                      |
| <b>Rationale:</b> Both Inyo and Mono Counties have seniors living in areas that are isolated from the primary service delivery systems. In general, the senior population throughout the entire region has limited access to the wide range of medical and support services found in larger communities. Ensuring adequate information and referral services are available to all community members and actively identifying methods to fill gaps in services continues to be identified as an area of focus by seniors throughout the planning area. |                                      |                                   |                      |
| <b>Objectives:</b>  | <b>Projected Start and End Dates</b> | <b>Title III B Funded PD or C</b> | <b>Update Status</b> |
|   |                                      |                                   |                      |

|  |                                   |   |  |
|--|-----------------------------------|---|--|
| 3.ESAAA staff will coordinate with both the public and private sector to identify resources to meet identified needs.  | July 2012 – June 2013 and Ongoing | C |  |
| 3.2 ESAAA staff will utilize public information mechanisms to ensure that seniors, their caregivers and service providers are aware of the resources available to meet identified needs. | July 2012 – June 2013 and Ongoing | C |  |
| 3.3 ESAAA staff will maintain resource information and disseminate information through multiple distribution modes, including web-based access.  | July 2012 – June 2013 and Ongoing | C |  |

**SECTION 10. Service Unit Plan (SUP) Objectives**

**PSA 16**

**TITLE III/VII SERVICE UNIT PLAN OBJECTIVES  
(Units of service are reported for ALL funding sources)**

**1. Personal Care (In-Home)**

Unit of Service = 1 hour

| Fiscal Year | Proposed Units of Service | Goal Numbers | Objective Numbers (if applicable) |
|-------------|---------------------------|--------------|-----------------------------------|
| 2012-2013   | -0-                       |              |                                   |
| 2013-2014   | -0-                       |              |                                   |
| 2014-2015   | -0-                       |              |                                   |
| 2015-2016   | -0-                       |              |                                   |

**2. Homemaker**

Unit of Service = 1 hour

| Fiscal Year | Proposed Units of Service | Goal Numbers | Objective Numbers (if applicable) |
|-------------|---------------------------|--------------|-----------------------------------|
| 2012-2013   | -0-                       |              |                                   |
| 2013-2014   | -0-                       |              |                                   |
| 2014-2015   | -0-                       |              |                                   |
| 2015-2016   | -0-                       |              |                                   |

**3. Chore**

Unit of Service = 1 hour

| Fiscal Year | Proposed Units of Service | Goal Numbers | Objective Numbers (if applicable) |
|-------------|---------------------------|--------------|-----------------------------------|
| 2012-2013   | -0-                       |              |                                   |
| 2013-2014   | -0-                       |              |                                   |
| 2014-2015   | -0-                       |              |                                   |
| 2015-2016   | -0-                       |              |                                   |

4. Home-Delivered Meal

Unit of Service = 1 meal

| Fiscal Year | Proposed Units of Service | Goal Numbers | Objective Numbers (if applicable) |
|-------------|---------------------------|--------------|-----------------------------------|
| 2012-2013   | 50,000                    | 1            |                                   |
| 2013-2014   | Same                      | Same         |                                   |
| 2014-2015   | Same                      | Same         |                                   |
| 2015-2016   | Same                      | Same         |                                   |

5. Adult Day Care/Adult Day Health

Unit of Service = 1 hour

| Fiscal Year | Proposed Units of Service | Goal Numbers | Objective Numbers (if applicable) |
|-------------|---------------------------|--------------|-----------------------------------|
| 2012-2013   | -0-                       |              |                                   |
| 2013-2014   | -0-                       |              |                                   |
| 2014-2015   | -0-                       |              |                                   |
| 2015-2016   | -0-                       |              |                                   |

6. Case Management

Unit of Service = 1 hour

| Fiscal Year | Proposed Units of Service | Goal Numbers | Objective Numbers (if applicable) |
|-------------|---------------------------|--------------|-----------------------------------|
| 2012-2013   | -0-                       |              |                                   |
| 2013-2014   | -0-                       |              |                                   |
| 2014-2015   | -0-                       |              |                                   |
| 2015-2016   | -0-                       |              |                                   |

7. Assisted Transportation

Unit of Service = 1 one-way trip

| Fiscal Year | Proposed Units of Service | Goal Numbers | Objective Numbers (if applicable) |
|-------------|---------------------------|--------------|-----------------------------------|
| 2012-2013   | 194                       | 1,2          |                                   |
| 2013-2014   | Same                      | Same         |                                   |
| 2014-2015   | Same                      | Same         |                                   |
| 2015-2016   | Same                      | Same         |                                   |

8. Congregate Meals

Unit of Service = 1 meal

| Fiscal Year | Proposed Units of Service | Goal Numbers | Objective Numbers (if applicable) |
|-------------|---------------------------|--------------|-----------------------------------|
| 2012-2013   | 19,000                    | 1,2          |                                   |
| 2013-2014   | Same                      | Same         |                                   |
| 2014-2015   | Same                      | Same         |                                   |
| 2015-2016   | Same                      | Same         |                                   |

9. Nutrition Counseling

Unit of Service = 1 session per participant

| Fiscal Year | Proposed Units of Service | Goal Numbers | Objective Numbers (if applicable) |
|-------------|---------------------------|--------------|-----------------------------------|
| 2012-2013   | 10                        | 1            |                                   |
| 2013-2014   | Same                      | Same         |                                   |
| 2014-2015   | Same                      | Same         |                                   |
| 2015-2016   | Same                      | Same         |                                   |

10. Transportation

Unit of Service = 1 one-way trip

| Fiscal Year | Proposed Units of Service | Goal Numbers | Objective Numbers (if applicable) |
|-------------|---------------------------|--------------|-----------------------------------|
| 2012-2013   | 2,000                     | 1,2          |                                   |
| 2013-2014   | Same                      | Same         |                                   |
| 2014-2015   | Same                      | Same         |                                   |
| 2015-2016   | Same                      | Same         |                                   |

11. Legal Assistance

Unit of Service = 1 hour

| Fiscal Year | Proposed Units of Service | Goal Numbers | Objective Numbers (if applicable) |
|-------------|---------------------------|--------------|-----------------------------------|
| 2012-2013   | 300                       | 1,2          |                                   |
| 2013-2014   | Same                      | Same         |                                   |
| 2014-2015   | Same                      | Same         |                                   |
| 2015-2016   | Same                      | Same         |                                   |

12. Nutrition Education

Unit of Service = 1 session per participant

| Fiscal Year | Proposed Units of Service | Goal Numbers | Objective Numbers (if applicable) |
|-------------|---------------------------|--------------|-----------------------------------|
| 2012-2013   | 10                        | 1            |                                   |
| 2013-2014   | Same                      | Same         |                                   |
| 2014-2015   | Same                      | Same         |                                   |
| 2015-2016   | Same                      | Same         |                                   |

13. Information and Assistance

Unit of Service = 1 contact

| Fiscal Year | Proposed Units of Service | Goal Numbers | Objective Numbers (if applicable) |
|-------------|---------------------------|--------------|-----------------------------------|
| 2012-2013   | 300                       | 1,2,3        |                                   |
| 2013-2014   | Same                      | Same         |                                   |
| 2014-2015   | Same                      | Same         |                                   |
| 2015-2016   | Same                      | Same         |                                   |

14. Telephone Reassurance- In home

Unit of Service = 1 contact

| Fiscal Year | Proposed<br>Units of Service | Goal<br>Numbers | Objective<br>Numbers<br>(if applicable) |
|-------------|------------------------------|-----------------|---|
| 2012-2013   | 120                          | 1               |   |
| 2013-2014   | Same                         | Same            |   |
| 2014-2015   | Same                         | Same            |   |
| 2015-2016   | Same                         | Same            |   |

**TITLE III B, OTHER SUPPORTIVE SERVICES**

15. Personal Home Security

Unit of Service = 1 unit

| Fiscal Year | Proposed<br>Units of Service | Goal<br>Numbers | Objective<br>Numbers<br>(if applicable) |
|-------------|------------------------------|-----------------|---|
| 2012-2013   | 31                           | 1               |   |
| 2013-2014   | -0-                          |                 |   |
| 2014-2015   | -0-                          |                 |   |
| 2015-2016   | -0-                          |                 |   |

**TITLE III D, HEALTH PROMOTION**

16. Health Risk Assessment

Unit of Service = 1 contact

| Fiscal Year | Proposed<br>Units of Service | Goal<br>Numbers | Objective<br>Numbers<br>(if applicable) |
|-------------|------------------------------|-----------------|---|
| 2012-2013   | 50                           | 1               |   |
| 2013-2014   | Same                         | Same            |   |
| 2014-2015   | Same                         | Same            |   |
| 2015-2016   | Same                         | Same            |   |

**TITLE III D, MEDICATION MANAGEMENT**

17. (Service Activity)

Unit of Service = 1 contact

| Fiscal Year | Proposed<br>Units of Service | Goal<br>Numbers | Objective<br>Numbers<br>(if applicable) |
|-------------|------------------------------|-----------------|---|
| 2012-2013   | -0-                          |                 |   |
| 2013-2014   | -0-                          |                 |   |
| 2014-2015   | -0-                          |                 |   |
| 2015-2016   | -0-                          |                 |   |

**TITLE III B AND TITLE VII A,  
LONG-TERM CARE (LTC) OMBUDSMAN PROGRAM OUTCOMES**

**Outcome 1. The problems and concerns of long-term care residents are solved through complaint resolution and other services of the Ombudsman Program [OAA Section 712(a)(3),(5)]**

**Measures and Targets:**

**A. Complaint Resolution Rate (AoA Report, Part I-E, Actions on Complaints)**

The average California complaint resolution rate for FY 2009-2010 was 73%.

|   |
|---|
| 1. FY 2010-2011 Baseline Resolution Rate: <u>94%</u><br>Number of complaints resolved <u>34</u> + Number of partially resolved complaints <u>    </u> ,<br>divided by the Total Number of Complaints Received <u>36</u> = Baseline Resolution Rate <u>94%</u> |
| 2. FY 2012-2013 Target: Resolution Rate <u>85 %</u>   |
| 3. FY 2011-2012 AoA Resolution Rate <u>    </u> % FY 2013-2014 Target: Resolution Rate <u>85 %</u>  |
| 4. FY 2012-2013 AoA Resolution Rate <u>    </u> % FY 2014-2015 Target: Resolution Rate <u>85 %</u>  |
| 5. FY 2013-2014 AoA Resolution Rate <u>    </u> % FY 2015-2016 Target: Resolution Rate <u>85 %</u>  |
| Program Goals and Objective Numbers: 1,2  |

**B. Work with Resident Councils (AoA Report, Part III-D, #8)**

|   |
|---|
| 1. FY 2010-2011 Baseline: number of meetings attended <u>9</u>          |
| 2. FY 2012-2013 Target: <u>10</u>                                       |
| 3. FY 2011-2012 AoA Data: <u>    </u> FY 2013-2014 Target: <u>10</u>    |
| 4. FY 2012-2013 AoA Data: <u>    </u> FY 2014-2015 Target: <u>10</u>    |
| 5. FY 2013-2014 AoA Data: <u>    </u> FY 2015-2016 Target: <u>10</u>    |
| Program Goals and Objective Numbers: 1,2                                |
| Assist Resident Councils to transition to more self-directed oversight. |

**C. Work with Family Councils (AoA Report, Part III-D, #9)**

|   |
|---|
| 1. FY 2010-2011 Baseline: number of meetings attended <u>0</u>      |
| 2. FY 2012-2013 Target: number <u>2</u>                             |
| 3. FY 2011-2012 AoA Data: <u>    </u> FY 2013-2014 Target: <u>2</u> |
| 4. FY 2012-2013 AoA Data: <u>    </u> FY 2014-2015 Target: <u>2</u> |
| 5. FY 2013-2014 AoA Data: <u>    </u> FY 2015-2016 Target: <u>2</u> |
| Program Goals and Objective Numbers: 2                              |
| Continue to promote establishment of Family Councils                |

**D. Consultation to Facilities** (AoA Report, Part III-D, #4) Count of instances of Ombudsman representatives' interactions with facility staff for the purpose of providing general information and assistance unrelated to a complaint. Consultation may be accomplished by telephone, letter, email, fax, or in person.

|  |                         |
|--|-------------------------|
| 1. FY 2010-2011 Baseline: number of consultations                    | 18                      |
| 2. FY 2012-2013 Target:  | 30                      |
| 3. FY 2011-2012 AoA Data:  | FY 2013-2014 Target: 30 |
| 4. FY 2012-2013 AoA Data:  | FY 2014-2015 Target: 30 |
| 5. FY 2013-2014 AoA Data:  | FY 2015-2016 Target: 30 |
| Program Goals and Objective Numbers: 1,3                             |                         |
| Increase contacts with facilities regarding changes in care systems. |                         |

**E. Information and Consultation to Individuals** (AoA Report, Part III-D, #5) Count of instances of Ombudsman representatives' interactions with residents, family members, friends, and others in the community for the purpose of providing general information and assistance unrelated to a complaint. Consultation may be accomplished by telephone, letter, email, fax, or in person.

|   |                         |
|---|-------------------------|
| 1. FY 2010-2011 Baseline: number of consultations   | 52                      |
| 2. FY 2012-2013 Target:   | 50                      |
| 3. FY 2011-2012 AoA Data:   | FY 2013-2014 Target: 50 |
| 4. FY 2012-2013 AoA Data:   | FY 2014-2015 Target: 50 |
| 5. FY 2013-2014 AoA Data:   | FY 2015-2016 Target: 50 |
| Program Goals and Objective Numbers: 1,3  |                         |
| Advertise Services and ensure volunteers and staff are available to provide information and referrals in a timely manner. |                         |

**F. Community Education** (AoA Report, Part III-D, #10) LTC Ombudsman Program participation in public events planned to provide information or instruction to community members about the LTC Ombudsman Program or LTC issues. The number of sessions refers to the number of events, not the number of participants.

|  |                        |
|--|------------------------|
| 1. FY 2010-2011 Baseline: number of sessions   | 16                     |
| 2. FY 2012-2013 Target: number   | 6                      |
| 3. FY 2011-2012 AoA Data:  | FY 2013-2014 Target: 6 |
| 4. FY 2012-2013 AoA Data:  | FY 2014-2015 Target: 6 |
| 5. FY 2013-2014 AoA Data:  | FY 2015-2016 Target: 6 |
| Program Goals and Objective Numbers: 1,3   |                        |
| Continue to develop and provide appropriate educational materials and opportunities for the community. |                        |

**G. Systems Advocacy**

**Systemic Advocacy Effort(s)**

The Ombudsman will continue to participate in the local Transition to Care Project as a committee member along with other community agencies, to ensure that patients are aware of all available post discharge care options.

**Outcome 2. Residents have regular access to an Ombudsman. [(OAA Section 712(a)(3)(D), (5)(B)(ii)]**

**Measures and Targets:**

**A. Facility Coverage (other than in response to a complaint), (AoA Report, Part III-D, #6)** Percentage of nursing facilities within the PSA that were visited by an Ombudsman representative at least once each quarter **not** in response to a complaint. The percentage is determined by dividing the number of nursing facilities in the PSA that were visited at least once each quarter not in response to a complaint by the total number of nursing facilities in the PSA. NOTE: This is not the total number of visits per year. In determining the number of facilities visited for this measure, no nursing facility can be counted more than once.

|   |
|---|
| 1. FY 2010-2011 Baseline: <u>100</u> %  |
| Number of Nursing Facilities visited at least once a quarter not in response to a complaint <u>2</u> divided by the number of Nursing Facilities <u>2</u> |
| 2. FY 2012-2013 Target: <u>100</u> %  |
| 3. FY 2011-2012 AoA Data: % FY 2013-2014 Target: <u>100</u> %   |
| 4. FY 2012-2013 AoA Data: % FY 2014-2015 Target: <u>100</u> %   |
| 5. FY 2013-2014 AoA Data: % FY 2015-2016 Target: <u>100</u> %   |
| Program Goals and Objective Numbers: 1,3  |
| Maintain coverage rate of 100%.   |

**B. Facility Coverage (other than in response to a complaint) (AoA Report, Part III-D, #6)** Percentage of RCFEs within the PSA that were visited by an Ombudsman representative at least once each quarter during the fiscal year **not** in response to a complaint. The percentage is determined by dividing the number of RCFEs in the PSA that were visited at least once each quarter not in response to a complaint by the total number of RCFEs in the PSA. NOTE: This is not the total number of visits per year. In determining the number of facilities visited for this measure, no RCFE can be counted more than once.

|   |
|---|
| 1. FY 2010-2011 Baseline: <u>100</u> %  |
| Number of RCFEs visited at least once a quarter not in response to a complaint <u>1</u> divided by the number of RCFEs <u>1</u> |
| 2. FY 2012-2013 Target: %   |
| 3. FY 2011-2012 AoA Data: % FY 2013-2014 Target: <u>100</u> %   |

|   |
|---|
| 4. FY 2012-2013 AoA Data: _____ % FY 2014-2015 Target: <u>100</u> % |
| 5. FY 2013-2014 AoA Data: _____ % FY 2015-2016 Target: <u>100</u> % |
| Program Goals and Objective Numbers: 1,3                            |
| Maintain coverage rate at 100%.                                     |

**C. Number of Full-Time Equivalent (FTE) Staff** (AoA Report, Part III.B.2 – Staff and Volunteers) (One FTE generally equates to 40 hours per week or 1,760 hours per year) This number may only include staff time legitimately charged to the LTC Ombudsman Program. For example, the FTE# for a staff member who works in the Ombudsman Program 20 hours a week should be 0.5. Time spent working for or in other programs may not be included in this number. Verify number of staff FTEs with Ombudsman Program Coordinator.

|   |
|---|
| 1. FY 2010-2011 Baseline: <u>.9</u> %                                     |
| 2. FY 2012-2013 Target: <u>1.0</u> FTEs                                   |
| 3. FY 2011-2012 AoA Data: _____ FTEs FY 2013-2014 Target: <u>1.0</u> FTEs |
| 4. FY 2012-2013 AoA Data: _____ FTEs FY 2014-2015 Target: <u>1.0</u> FTEs |
| 5. FY 2013-2014 AoA Data: _____ FTEs FY 2015-2016 Target: <u>1.0</u> FTEs |
| Program Goals and Objective Numbers: 1,3                                  |
| Maintain 1.0 FTE and increase FTE as funding allows.                      |

**D. Number of Certified LTC Ombudsman Volunteers** (AoA Report part III.B.2. – Staff and Volunteers) Verify number of volunteers with Ombudsman Program Coordinator.

|   |
|---|
| 1. FY 2010-2011 Baseline: <u>5</u> Number of certified LTC Ombudsman volunteers as of June 30, 2010   |
| 2. FY 2012-2013 Projected Number of certified LTC Ombudsman volunteers as of June 30, 2013: <u>4</u>  |
| 3. FY 2011-2012 AoA Data: _____ certified volunteers<br>FY 2013-2014 Projected Number of certified LTC Ombudsman volunteers as of June 30, 2014: <u>4</u> |
| 4. FY 2012-2013 AoA Data: _____ certified volunteers<br>FY 2014-2015 Projected Number of certified LTC Ombudsman volunteers as of June 30, 2015: <u>4</u> |
| 5. FY 2013-2014 AoA Data: _____ certified volunteers<br>FY 2015-2016 Projected Number of certified LTC Ombudsman volunteers as of June 30, 2016: <u>4</u> |
| Program Goals and Objective Numbers: 1  |
| Recruit and train volunteers as needed to maintain core level of four (4) volunteers.   |

**Outcome 3. Ombudsman representatives accurately and consistently report data about their complaints and other program activities in a timely manner. [OAA Section 712(c)]**

**Measures and Targets:**

A. At least once each fiscal year, the Office of the State Long-Term Care Ombudsman sponsors free training on each of four modules covering the reporting process for the National Ombudsman Reporting System (NORS). These trainings are provided by telephone conference and are available to all certified staff and volunteers. Local LTC Ombudsman Programs retain documentation of attendance in order to meet annual training requirements.

|   |
|---|
| 1. FY 2010-2011 Baseline number of Ombudsman Program staff and volunteers who attended NORS Training Parts I, II, III and IV <u>  1  </u><br><b>Please obtain this information from the local LTC Ombudsman Program Coordinator.</b>  |
| 2. FY 2012-2013 Target: number of Ombudsman Program staff and volunteers attending NORS Training Parts I, II, III and IV <u>  1  </u>   |
| 3. FY 2011-2012 number of Ombudsman Program staff and volunteers who attended NORS Training Parts I, II, III, and IV _____<br><br>FY 2013-2014 Target <u>  1  </u>  |
| 4. FY 2012-2013 number of Ombudsman Program staff and volunteers who attended NORS Training Parts I, II, III, and IV _____<br><br>FY 2014-2015 Target <u>  1  </u>  |
| 5. FY 2013-2014 number of Ombudsman Program staff and volunteers who attended NORS Training Parts I, II, III, and IV _____  |
| 6. FY 2015-2016 Target <u>  1  </u>   |
| Program Goals and Objective Numbers: 1,3<br><br>The Ombudsman is staffed with one person, who maintains updated information regarding NORS reporting and completes all data entry. In the event that staffing changes in the future and there is a need for others to be trained, the Ombudsman will provide the required training. Additionally, the Ombudsman will participate in a minimum of one training per year. |

**Title VII B ELDER ABUSE PREVENTION  
SERVICE UNIT PLAN OBJECTIVES**

**PSA #16**

| <b>Fiscal Year</b> | <b>Total # of Public Education Sessions</b> | <b>Fiscal Year</b> | <b>Total # of Training Sessions for Professionals</b> |
|--------------------|---|--------------------|---|
| 2012-13            | 2   | 2012-13            | 2   |
| 2013-14            | 2   | 2013-14            | 2   |
| 2014-15            | 2   | 2014-15            | 2   |
| 2015-16            | 2   | 2015-16            | 2   |

| <b>Fiscal Year</b> | <b>Total # of Training Sessions for Caregivers served by Title III E</b> | <b>Fiscal Year</b> | <b>Total # of Hours Spent Developing a Coordinated System</b> |
|--------------------|--|--------------------|---|
| 2012-13            | 2  | 2012-13            | 12  |
| 2013-14            | 2  | 2013-14            | 12  |
| 2014-15            | 2  | 2014-15            | 12  |
| 2015-16            | 2  | 2015-16            | 12  |

| <b>Fiscal Year</b> | <b>Total # of Copies of Educational Materials to be Distributed</b> | <b>Description of Educational Materials</b> |
|--------------------|---|---|
| 2012-13            | 250   | Elder Abuse/Financial Elder Abuse           |
|                    | 250   | Psychotropic Drug Abuse                     |
| 2013-14            | 250   |   |
|                    | 250   |   |
| 2014-15            | 250   |   |
|                    | 250   |   |
| 2015-16            | 250   |   |
|                    | 250   |   |

| <b>Fiscal Year</b> | <b>Total # of Individuals Served</b> |
|--------------------|--------------------------------------|
| 2012-13            | 250                                  |
| 2013-14            | 250                                  |
| 2014-15            | 250                                  |
| 2015-16            | 250                                  |

**TITLE III E SERVICE UNIT PLAN OBJECTIVES**

PSA #16

**Direct and/or contracted III E Services**

| <b>CATEGORIES</b>                                       | <b>1</b>   | <b>2</b>                            | <b>3</b>                                 |
|---|--|-------------------------------------|--|
| <b>Family Caregiver Services<br/>Caring for Elderly</b> | <i>Proposed</i><br><b>Units of Service</b>                   | <i>Required</i><br><b>Goal #(s)</b> | <i>Optional</i><br><b>Objective #(s)</b> |
| <b>Information Services</b>                             | <b># of activities and Total est.<br/>audience for above</b> |                                     |  |
| 2012-2013   | # of activities:-0-<br>Total est. audience for above:        |                                     |  |
| 2013-2014   | # of activities:-0-<br>Total est. audience for above:        |                                     |  |
| 2014-2015   | # of activities:-0-<br>Total est. audience for above:        |                                     |  |
| 2015-2016   | # of activities:-0-<br>Total est. audience for above:        |                                     |  |
| <b>Access Assistance</b>                                | <b>Total Contacts</b>  |                                     |  |
| 2012-2013   | -0-  |                                     |  |
| 2013-2014   | -0-  |                                     |  |
| 2014-2015   | -0-  |                                     |  |
| 2015-2016   | -0-  |                                     |  |
| <b>Support Services</b>                                 | <b>Total Hours</b>   |                                     |  |
| 2012-2013   | 30   | 1                                   |  |
| 2013-2014   | Same   | Same                                |  |
| 2014-2015   | Same   | Same                                |  |
| 2015-2016   | Same   | Same                                |  |
| <b>Respite Care</b>                                     | <b>Total Hours</b>   |                                     |  |
| 2012-2013   | 100  | 1                                   |  |
| 2013-2014   | Same   | Same                                |  |
| 2014-2015   | Same   | Same                                |  |
| 2015-2016   | Same   | Same                                |  |
| <b>Supplemental Services</b>                            | <b>Total Occurrences</b>                                     |                                     |  |
| 2012-2013   | -0-  |                                     |  |
| 2013-2014   | -0-  |                                     |  |
| 2014-2015   | -0-  |                                     |  |
| 2015-2016   | -0-  |                                     |  |

**Direct and/or contracted III E Services**

| <b>CATEGORIES</b>                               | <b>1</b>   | <b>2</b>                            | <b>3</b>                                 |
|---|--|-------------------------------------|--|
| <b>Grandparent Services Caring for Children</b> | <i>Proposed</i><br><b>Units of Service</b>               | <b>Required</b><br><b>Goal #(s)</b> | <b>Optional</b><br><b>Objective #(s)</b> |
| <b>Information Services</b>                     | <b># of activities and Total est. audience for above</b> |                                     |  |
| 2012-2013                                       | # of activities:-0-<br>Total est. audience for above:    |                                     |  |
| 2013-2014                                       | # of activities:-0-<br>Total est. audience for above:    |                                     |  |
| 2014-2015                                       | # of activities:-0-<br>Total est. audience for above:    |                                     |  |
| 2015-2016                                       | # of activities:-0-<br>Total est. audience for above:    |                                     |  |
| <b>Access Assistance</b>                        | <b>Total Contacts</b>                                    |                                     |  |
| 2012-2013                                       | -0-  |                                     |  |
| 2013-2014                                       | -0-  |                                     |  |
| 2014-2015                                       | -0-  |                                     |  |
| 2015-2016                                       | -0-  |                                     |  |
| <b>Support Services</b>                         | <b>Total Hours</b>                                       |                                     |  |
| 2012-2013                                       | -0-  |                                     |  |
| 2013-2014                                       | -0-  |                                     |  |
| 2014-2015                                       | -0-  |                                     |  |
| 2015-2016                                       | -0-  |                                     |  |
| <b>Respite Care</b>                             | <b>Total Hours</b>                                       |                                     |  |
| 2012-2013                                       | -0-  |                                     |  |
| 2013-2014                                       | -0-  |                                     |  |
| 2014-2015                                       | -0-  |                                     |  |
| 2015-2016                                       | -0-  |                                     |  |
| <b>Supplemental Services</b>                    | <b>Total Occurrences</b>                                 |                                     |  |
| 2012-2013                                       | -0-  |                                     |  |
| 2013-2014                                       | -0-  |                                     |  |
| 2014-2015                                       | -0-  |                                     |  |
| 2015-2016                                       | -0-  |                                     |  |

**SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM (SCSEP)  
PSA #16 – Not Providing**

**HEALTH INSURANCE COUNSELING AND ADVOCACY PROGRAM (HICAP)  
PSA #16 – Not Providing**

**SECTION 11. Focal Points**

**PSA 16**

**COMMUNITY FOCAL POINTS LIST**

| <b>DESIGNATED COMMUNITY FOCAL POINT</b> | <b>ADDRESS</b>                             |
|---|--|
| Walker Senior Center                    | Mule Deer Road, Walker, CA 96107           |
| Bishop Senior Center                    | 506 Park Avenue, Bishop, CA 93514          |
| Big Pine Senior Center                  | 180 Dewey Street, Big Pine, CA 93513       |
| Independence Senior Center              | Edwards Street, Independence, CA 93526     |
| Lone Pine Senior Center                 | 138 N. Jackson Street, Lone Pine, CA 93545 |
| Tecopa Senior Center (Hurlbutt-Rook)    | Tecopa Hot Springs Road, Tecopa, Ca 92389  |

**SECTION 12. Disaster Preparedness**

**PSA 16**

- 1. Description of how the AAA coordinates its disaster preparedness plans and activities with local emergency response agencies, relief organizations, state and local governments, and other organizations responsible for emergency preparedness and response as required in OAA, Title III, Section 310.*

According to the 2010 “Disaster Assistance Handbook for Area Agencies on Aging” prepared by California Department of Aging, a local AAA must prepare for disasters and participate in disaster-assistance activities on behalf of older persons and persons with disabilities within their span of control.

Eastern Sierra Area Agency on Aging (ESAAA), as part of the local Inyo County Health and Human Services Department, coordinates disaster preparedness plans and activities with local Office of Emergency Services (OES) through the HHS/ESAAA Director. The Director historically receives early notification from the local OES Commander about disaster alerts, and begins the coordination with other local, state, and federal government organizations, as well as with local hospitals and private health care entities. Existing telephone call trees, and annual staff trainings ensure activation of groups of HHS employees to provide: (1) access to the updated GPS database identifying the residential location of all frail and vulnerable elderly individuals in Inyo County, as well as their identified health care issues and needs; (2) evacuation and shelter care; (3) basic food and nutrition; (4) coordination with Red Cross and Salvation Army; (5) access to client databases and direct client records; and (6) medical/health care response.

- 2. Identify each of the local Office of Emergency Services (OES) contact person(s) within the PSA that the AAA will coordinate with in the event of a disaster.*

| <b>Name</b> | <b>Title</b>                         | <b>Telephone</b>                           | <b>E-Mail</b>        |
|-------------|--------------------------------------|--|----------------------|
| Julie Tiede | Mono County Social Services Director | Office: 760 924-1790<br>Cell: 760 915-0052 | jtiede@mono.ca.gov   |
| Bill Lutze  | Inyo County Sheriff                  | Office: 760 878 0383<br>Cell:              | blutze@inyocounty.us |

**3. Identify the Disaster Response Coordinator within the AAA.**

| Name         | Title                                    | Telephone                                  | E-Mail              |
|--------------|--|--|---------------------|
| Marilyn Mann | Inyo County HHS Social Services Director | Office: 760 872 2375<br>Cell: 760 937 3326 | mmann@inyocounty.us |

**4. List critical services the AAA will continue to provide after a disaster and describe how these services will be delivered.**

| Critical Services  | How Delivered?  |
|--|---|
| a. Outreach to frail, vulnerable older adults for well-being checks, identified through GPS database and CARS database, Adult Protective Services and In-Home Supportive Services caseload information | a. By telephone and door-to-door, as determined by OES in consultation with AAA Disaster Response Coordinator                                 |
| b. Provision of emergency shelters and/or heating/cooling centers  | b. Community-based shelters and centers will be available within close travel distances; assisted transportation will be provided, as needed. |
| c. Basic food and nutrition  | c. (1) Delivery of hot and/or frozen meals as capability allows<br>(2) Access to disaster-related CalFresh services                           |
| d. Access to critical medications, health services   | d. Via local OES-Red Cross vendor agreements for pharmaceuticals, oxygen/other health care apparatus and care                                 |
| e. After-disaster follow-up assessment   | e. Telephone and/or in-person welfare checks  |

**5. List any agencies with which the AAA has formal emergency preparation or response agreements.**

ESAAA is part of local County government, and as such, is formally obligated to be part of the local government OES system

As part of the HHS Department:

Red Cross-Los Angeles chapter

Inland Counties Emergency Medical Services Authority (ICEMA)

CalFresh (Food Stamps) agreement between Inyo and Mono Counties

**6. Describe how the AAA will identify vulnerable populations, and follow-up with these vulnerable populations after a disaster event.**

Identification of vulnerable populations will be conducted in Inyo County through a GPS-linked database showing residential locations of all frail, elderly individuals.

Also available in both Inyo and Mono Counties are client records and the CARS database.

Local Inyo County law enforcement typically sends personnel door-to-door for well-being checks of those individuals identified in the GPS database and for those identified by staff accessing the CARS database. Telephone and door-to-door follow-up also is provided by a range of County employees, in consultation with AAA Disaster Response Coordinator, to identify needs and request services.

### **SECTION 13. Priority Services**

#### ***2012-2016 Four-Year Planning Cycle Funding for Access, In-Home Services, and Legal Assistance***

Category of Service and the Percentage of Title III B Funds expended in/or to be expended in Fiscal Year 2012-13 through Fiscal Year 2015-16.

##### **Access:**

Transportation, Assisted Transportation, Case Management, Information and Assistance, Outreach, Comprehensive Assessment, Health, Mental Health, and Public Information

2012-13: 50%      2013-14: 50%      2014-15: 50%      2015-16: 50%

##### **In-Home Services:**

Personal Care, Homemaker, Chore, Adult Day/Health Care, Alzheimer's, Residential Repairs/Modifications, Respite Care, Telephone Reassurance, and Visiting

2012-13: 5%      2013-14: 5%      2014-15: 5%      2015-16: 5%

##### **Legal Assistance Required Activities:**

Legal Advice, Representation, Assistance to the Ombudsman Program and Involvement in the Private Bar

2012-13: 10%      2013-14: 10%      2014-15: 10%      2015-16: 10%

Recognizing that the entire Title III B Allocation of \$107,406 is insufficient to meet the breadth of needs for III B services identified by area seniors on the Needs Assessment activities, and as indicated through Utilization Trends, the discussion and decisions around the setting of minimum percentages for an adequate proportion of funds was difficult and protracted.

Stakeholder groups at Senior Centers echoed what the written Needs Assessment showed: in this geographically expansive PSA of over 13,000 square miles, with a small population base, specialty medical care and other specialty shopping opportunities are nonexistent or extremely limited. Our seniors told us over and over about their need for *access* to health care and their

need for *information and assistance*, along with their need for basic nutrition services. Ultimately our ESAAA Advisory Council decided to honor the need for *access* by setting a 50% minimum floor for the Access service areas.

Secondly, Legal Assistance ranked much lower on the Needs Assessment. From the previous minimum percentage of 12%, our Advisory Council decided to reduce to 10%, thus freeing up more funds for Access. Likewise, In-Home funding minimum was set at 5%, with a plan for coordination with other social services programs providing in-home services (i.e., In-Home Supportive Services, local county-funded programs).

**SECTION 14. Notice of Intent to Provide Direct Services**

Check applicable direct services

Check each applicable Fiscal Year

|   | 12-13                               | 13-14                               | 14-15                               | 15-16                               |
|---|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| <b>Title III B</b>  |                                     |                                     |                                     |                                     |
| <input checked="" type="checkbox"/> Information and Assistance                  | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| <input type="checkbox"/> Case management  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            |
| <input type="checkbox"/> Outreach   | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            |
| <input type="checkbox"/> Program Development                                    | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            |
| <input type="checkbox"/> Coordination   | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            |
| <input type="checkbox"/> Long-Term Care Ombudsman                               | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            |
| <b>Title III D</b>  |                                     |                                     |                                     |                                     |
| <input checked="" type="checkbox"/> Health Promotion                            | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| <input type="checkbox"/> Medication Management                                  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            |
| <b>Title III E</b>  |                                     |                                     |                                     |                                     |
| <input type="checkbox"/> Information Services                                   | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            |
| <input type="checkbox"/> Access Assistance                                      | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            |
| <input checked="" type="checkbox"/> Support Services                            | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> Respite Services                            | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| <input type="checkbox"/> Supplemental Services                                  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            |
| <b>Title VII A</b>  |                                     |                                     |                                     |                                     |
| <input type="checkbox"/> Long-Term Care Ombudsman                               | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            |
| <b>Title VII B</b>  |                                     |                                     |                                     |                                     |
| <input type="checkbox"/> Prevention of Elder Abuse,<br>Neglect and Exploitation | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            |

**Describe the methods to be used to ensure target populations will be served throughout the PSA.**

ESAAA staff will provide Information and Assistance by telephone to all areas of the PSA, maintaining updated resource information for both counties. In regards to Health Promotion, ESAAA staff will provide service at least once per year at each identified congregate site in both counties. Family Caregiver support services will be provided by ESAAA staff based, in part, upon referrals from the adult social service programs in both counties and will either provide

respite services directly or through purchase of services. ESAAA staff will utilize demographic information, including primary language information, to prioritize target populations and to ensure that resources such as bi-lingual staff or the AT&T language line are utilized as needed.

**SECTION 15. Request for Approval to Provide Direct Services**

PSA 16

*Complete and submit for CDA approval a separate Section 15 for each direct service not specified in Section 14. The request for approval may include multiple funding sources for a specific service.*

Check box if not requesting approval to provide any direct services.

**Identify Service Category:** Home Delivered Meal

Check if applicable funding source.

- III B
- III C-1
- III C-2
- III E
- VII A
- HICAP

**Request for Approval Justification:**

- Necessary to Assure an Adequate Supply of Service OR
- More cost effective if provided by the AAA than if purchased from a comparable service provider.

Check all fiscal year(s) the AAA intends to provide service during this Area Plan cycle.

- 2012-13       2013-14       2014-15       2015-16

**Justification:** Comparable service provider able to provide hot meal delivery is not located within the service area.

**SECTION 15. Request for Approval to Provide Direct Services**

**PSA 16**

***Complete and submit for CDA approval a separate Section 15 for each direct service not specified in Section 14. The request for approval may include multiple funding sources for a specific service.***

Check box if not requesting approval to provide any direct services.

**Identify Service Category:** Assisted Transportation

Check if applicable funding source.

III B

III C-1

III C-2

III E

VII A

HICAP

**Request for Approval Justification:**

Necessary to Assure an Adequate Supply of Service OR

More cost effective if provided by the AAA than if purchased from a comparable service provider.

Check all fiscal year(s) the AAA intends to provide service during this Area Plan cycle.

2012-13

2013-14

2014-15

2015-16

**Justification:** Comparable service provider is not located within the service area.

**SECTION 15. Request for Approval to Provide Direct Services**

PSA 16

*Complete and submit for CDA approval a separate Section 15 for each direct service not specified in Section 14. The request for approval may include multiple funding sources for a specific service.*

Check box if not requesting approval to provide any direct services.

**Identify Service Category:** Congregate Meals

Check if applicable funding source.

- III B
- III C-1
- III C-2
- III E
- VII A
- HICAP

**Request for Approval Justification:**

- Necessary to Assure an Adequate Supply of Service OR
- More cost effective if provided by the AAA than if purchased from a comparable service provider.

Check all fiscal year(s) the AAA intends to provide service during this Area Plan cycle.

- 2012-13       2013-14       2014-15       2015-16

**Justification:** Comparable service provider not available within the service area.

**SECTION 15. Request for Approval to Provide Direct Services**

PSA 16

***Complete and submit for CDA approval a separate Section 15 for each direct service not specified in Section 14. The request for approval may include multiple funding sources for a specific service.***

Check box if not requesting approval to provide any direct services.

**Identify Service Category:**     **Nutrition Counseling**    

Check if applicable funding source.

- III B
- III C-1
- III C-2
- III E
- VII A
- HICAP

**Request for Approval Justification:**

- Necessary to Assure an Adequate Supply of Service OR
- More cost effective if provided by the AAA than if purchased from a comparable service provider.

Check all fiscal year(s) the AAA intends to provide service during this Area Plan cycle.

- 2012-13       2013-14       2014-15       2015-16

**Justification:** Comparable service provider not available within the service area.

**SECTION 15. Request for Approval to Provide Direct Services**

PSA 16

*Complete and submit for CDA approval a separate Section 15 for each direct service not specified in Section 14. The request for approval may include multiple funding sources for a specific service.*

Check box if not requesting approval to provide any direct services.

**Identify Service Category:** Nutrition Education

Check if applicable funding source.

III B

III C-1

III C-2

III E

VII A

HICAP

**Request for Approval Justification:**

Necessary to Assure an Adequate Supply of Service OR

More cost effective if provided by the AAA than if purchased from a comparable service provider.

Check all fiscal year(s) the AAA intends to provide service during this Area Plan cycle.

2012-13

2013-14

2014-15

2015-16

**Justification:** Comparable service provider not available within the service area.

**SECTION 15. Request for Approval to Provide Direct Services**

PSA 16

*Complete and submit for CDA approval a separate Section 15 for each direct service not specified in Section 14. The request for approval may include multiple funding sources for a specific service.*

Check box if not requesting approval to provide any direct services.

**Identify Service Category:** Nutrition Education

Check if applicable funding source.

- III B
- III C-1
- III C-2
- III E
- VII A
- HICAP

**Request for Approval Justification:**

- Necessary to Assure an Adequate Supply of Service OR
- More cost effective if provided by the AAA than if purchased from a comparable service provider.

Check all fiscal year(s) the AAA intends to provide service during this Area Plan cycle.

- 2012-13
- 2013-14
- 2014-15
- 2015-16

**Justification:** Comparable service provider not available within the service area.

**SECTION 15. Request for Approval to Provide Direct Services**

PSA 16

*Complete and submit for CDA approval a separate Section 15 for each direct service not specified in Section 14. The request for approval may include multiple funding sources for a specific service.*

Check box if not requesting approval to provide any direct services.

**Identify Service Category:** Telephone Reassurance

Check if applicable funding source.

III B

III C-1

III C-2

III E

VII A

HICAP

**Request for Approval Justification:**

Necessary to Assure an Adequate Supply of Service OR

More cost effective if provided by the AAA than if purchased from a comparable service provider.

Check all fiscal year(s) the AAA intends to provide service during this Area Plan cycle.

2012-13

2013-14

2014-15

2015-16

**Justification:** Comparable service provider not available within the service area.

**SECTION 16 – GOVERNING BOARD**

PSA 16

**GOVERNING BOARD MEMBERSHIP  
2012-2016 Four-Year Planning Cycle**

CCR Article 3, Section 7302(a)(11)

**Total Number of Board Members:** 5

| <b>Name and Title of Officers:</b> | <b>Office Term Expires:</b> |
|------------------------------------|-----------------------------|
| Marty Fortney, Chairperson         | December 31, 2012           |
| Linda Arcularius, Vice Chairperson | December 31, 2014           |

| <b>Name and Title of All Members:</b> | <b>Board Term Expires:</b> |
|---------------------------------------|----------------------------|
| Susan Cash                            | December 31, 2012          |
| Richard Pucci                         | December 31, 2013          |
| Richard Cervantes                     | December 31, 2012          |

**SECTION 17 – ADVISORY COUNCIL**

PSA 16

**ADVISORY COUNCIL MEMBERSHIP  
2012-2016 Four-Year Planning Cycle**

45 CFR, Section 1321.57  
CCR Article 3, Section 7302(a)(12)

**Total Council Membership (include vacancies)** 7

**Number of Council Members over age 60** 6

| <b>Race/Ethnic Composition</b> | <b>% of PSA's<br/>60+Population</b> | <b>% on<br/>Advisory Council</b> |
|--------------------------------|-------------------------------------|----------------------------------|
| White                          | 86.5%                               | 86%                              |
| Hispanic                       | unknown                             | 0                                |
| Black                          | 0                                   | 0                                |

|                                |       |     |
|--------------------------------|-------|-----|
| Asian/Pacific Islander         | 0     | 0   |
| Native American/Alaskan Native | 13.5% | 14% |
| Other                          | 0     | 0   |

**Name and Title of Officers:**

**Office Term Expires:**

|              |                   |
|--------------|-------------------|
| Roger Rasche | December 31, 2012 |
| Selma Calnan | December 31, 2012 |

**Name and Title of other members:**

**Office Term Expires:**

|                     |                   |
|---------------------|-------------------|
| Jim Ellis           | December 31, 2012 |
| Rachel Lober        | December 31, 2012 |
| Evelyn Mae Nikolaus | December 31, 2012 |
| Jennifer Duncan     | December 31, 2012 |
| Yvonne Deming       | December 31, 2012 |

Indicate which member(s) represent each of the "Other Representation" categories listed below.

|   | Yes                                 | No                                  |                 |
|---|-------------------------------------|-------------------------------------|-----------------|
| Low Income Representative   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Roger Rasche    |
| Disabled Representative   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Yvonne Deming   |
| Supportive Services Provider Representative                             | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Jennifer Duncan |
| Health Care Provider Representative                                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |                 |
| Family Caregiver Representative   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |                 |
| Local Elected Officials   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Jim Ellis       |
| Individuals with Leadership Experience in Private and Voluntary Sectors | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Yvonne Deming   |

Explain any "No" answer(s): Given the recent transition of the governance structure, new member recruitments will be occurring in the fall 2012, particularly targeting above categories.

**Briefly describe the local governing board's process to appoint Advisory Council members:**

Vacant positions will be advertised in local media, with targeting addressing above categories as well as representative geographical distribution. Upon the closing of the recruitment, the appointment of Advisory Council members will be placed on the agenda for a public meeting of the Governing Board, at which time the Governing Board will appoint Advisory Council members for designated terms of office.

**Section 18. Legal Assistance**

1. The mission of ESAAA’s Legal Assistance services is to ensure justice, dignity, health, security, maximum autonomy and independence to older residents by protecting and enforcing the legal rights of individuals and by promoting social change through broad elder rights advocacy. The purpose of Legal Assistance is to deliver high quality, cost-effective services designed to address the unmet legal needs of vulnerable older people throughout the PSA, with the following considerations:
  - Recognition of targeted populations: those in greatest social and economic need, disadvantaged or vulnerable older adults.
  - Recognition that Legal Assistance is part of a continuum of care that must be coordinated with other ESAAA services to economize costs and develop systems for greatest impact.
  - Address all Older Americans Act legal services (caregiver, hotline, IIIB).
  - Empowerment of older persons to secure their own rights.
  - Protection against threat/loss of basic and essential civil rights (e.g., shelter, health care, income, personal and economic security).
  - Consideration of outcomes and target resources to achieve outcomes that make a difference in the lives and well-being of disadvantaged or vulnerable older adults.
  - Balance coordination with local needs and situations.
  
2. The local Community Needs Assessment respondents ranked their need for legal assistance 15<sup>th</sup> (out of 20) in prioritization of their needs. The minimum percentage of Title III B funding thus was set at 10%, although the annual amount authorized is 18.3% of the III B allocation.
  
3. Specific to legal services, there have no significant changes noted in local needs in the past four years.
  
4. Specific to legal services, our targeted senior population is low-income and disabled seniors. We will reach seniors through in-person outreach at Senior Centers. Occasionally some Centers will be linked in via videoconferencing to other Centers. Written educational and outreach literature will also be used at congregate meal settings and through home-delivered meals.
  
5. Legal assistance service providers within PSA 16.

| FISCAL YEAR | NUMBER OF LEGAL ASSISTANCE SERVICES PROVIDERS |
|-------------|---|
| 2012-2013   | 1   |
| 2013-2014   | 1   |
| 2014-2015   | 1   |
| 2015-2016   | 1   |

6. PSA 16 does not have a hotline for legal services.
7. Outreach methods will include a combination of written materials provided at congregate meal sites and through home-delivered meals, mailings to family caregivers, and in-person and/or videoconferenced presentations at Senior Centers throughout the PSA.
8. Geographic regions covered by each provider.

| FISCAL YEAR | NAME OF PROVIDER                    | GEOGRAPHIC REGION COVERED |
|-------------|-------------------------------------|---------------------------|
| 2012-2013   | TO BE DETERMINED BY AUGUST 30, 2012 | Entire PSA                |
| 2013-2014   |                                     | Entire PSA                |
| 2014-2015   |                                     | Entire PSA                |
| 2015-2016   |                                     | Entire PSA                |

9. Older adults will access Legal Assistance Services through local telephone contact to the local Legal Assistance office, and through ESAAA sites and staff.
10. Regional older adults who participated in stakeholder Needs Assessment discussions at various Senior Centers in the PSA expressed specific interest in receiving legal guidance and assistance with development of wills and trusts, and management of adult children around those same issues.
11. Previous legal assistance has provided educational information on telephone scams, debt-related problems, among other issues. The request from stakeholders for more guidance with wills and trusts is a shift of focus of legal issues.
12. Barriers to access for legal assistance within the PSA result from the expansive 13,000+ square miles in the PSA, coupled with the sparse population. These two factors combine to make it difficult for private sector for-profit businesses or health care providers to sustain in the PSA. Therefore much of the specialty care and shopping requires extensive assistance with transportation out of the PSA, and even within the PSA. The prioritization of assistance with access to services left smaller amounts of III B funding available for legal assistance. Therefore, ESAAA will be coordinating with legal assistance services to provide videoconferencing capability where possible, in an effort to extend access to legal assistance.
13. The one legal service provider will be coordinating services with other ESAAA programs, the Ombudsman Coordinator, and with the local bar.

**SECTION 19. Multipurpose Senior Center Acquisition or Construction Compliance Review**

**PSA 16**

No, Title III B funds are not used for Acquisition or Construction.

**SECTION 20. Family Caregiver Support Program**

PSA 16

**2012-2016 Four-Year Planning Cycle**

**Family Caregiver Services**

| Category                               | 2012-2013   | 2013-2014   | 2014-2015   | 2015-2016   |
|--|---|---|---|---|
| Family Caregiver Information Services  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br><input type="checkbox"/> Direct <input type="checkbox"/> Contract            | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br><input type="checkbox"/> Direct <input type="checkbox"/> Contract            | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br><input type="checkbox"/> Direct <input type="checkbox"/> Contract            | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br><input type="checkbox"/> Direct <input type="checkbox"/> Contract            |
| Family Caregiver Access Assistance     | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br><input type="checkbox"/> Direct <input type="checkbox"/> Contract            | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br><input type="checkbox"/> Direct <input type="checkbox"/> Contract            | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br><input type="checkbox"/> Direct <input type="checkbox"/> Contract            | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br><input type="checkbox"/> Direct <input type="checkbox"/> Contract            |
| Family Caregiver Support Services      | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No<br><input checked="" type="checkbox"/> Direct <input type="checkbox"/> Contract | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No<br><input checked="" type="checkbox"/> Direct <input type="checkbox"/> Contract | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No<br><input checked="" type="checkbox"/> Direct <input type="checkbox"/> Contract | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No<br><input checked="" type="checkbox"/> Direct <input type="checkbox"/> Contract |
| Family Caregiver Respite Care          | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No<br><input checked="" type="checkbox"/> Direct <input type="checkbox"/> Contract | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No<br><input checked="" type="checkbox"/> Direct <input type="checkbox"/> Contract | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No<br><input checked="" type="checkbox"/> Direct <input type="checkbox"/> Contract | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No<br><input checked="" type="checkbox"/> Direct <input type="checkbox"/> Contract |
| Family Caregiver Supplemental Services | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br><input type="checkbox"/> Direct <input type="checkbox"/> Contract            | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br><input type="checkbox"/> Direct <input type="checkbox"/> Contract            | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br><input type="checkbox"/> Direct <input type="checkbox"/> Contract            | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br><input type="checkbox"/> Direct <input type="checkbox"/> Contract            |

**Grandparent Services**

| Category                          | 2012-2013  | 2013-2014  | 2014-2015  | 2015-2016  |
|-----------------------------------|--|--|--|--|
| Grandparent Information Services  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br><input type="checkbox"/> Direct <input type="checkbox"/> Contract | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br><input type="checkbox"/> Direct <input type="checkbox"/> Contract | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br><input type="checkbox"/> Direct <input type="checkbox"/> Contract | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br><input type="checkbox"/> Direct <input type="checkbox"/> Contract |
| Grandparent Access Assistance     | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br><input type="checkbox"/> Direct <input type="checkbox"/> Contract | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br><input type="checkbox"/> Direct <input type="checkbox"/> Contract | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br><input type="checkbox"/> Direct <input type="checkbox"/> Contract | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br><input type="checkbox"/> Direct <input type="checkbox"/> Contract |
| Grandparent Support Services      | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br><input type="checkbox"/> Direct <input type="checkbox"/> Contract | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br><input type="checkbox"/> Direct <input type="checkbox"/> Contract | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br><input type="checkbox"/> Direct <input type="checkbox"/> Contract | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br><input type="checkbox"/> Direct <input type="checkbox"/> Contract |
| Grandparent Respite Care          | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br><input type="checkbox"/> Direct <input type="checkbox"/> Contract | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br><input type="checkbox"/> Direct <input type="checkbox"/> Contract | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br><input type="checkbox"/> Direct <input type="checkbox"/> Contract | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br><input type="checkbox"/> Direct <input type="checkbox"/> Contract |
| Grandparent Supplemental Services | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br><input type="checkbox"/> Direct <input type="checkbox"/> Contract | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br><input type="checkbox"/> Direct <input type="checkbox"/> Contract | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br><input type="checkbox"/> Direct <input type="checkbox"/> Contract | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br><input type="checkbox"/> Direct <input type="checkbox"/> Contract |

**Justification:**

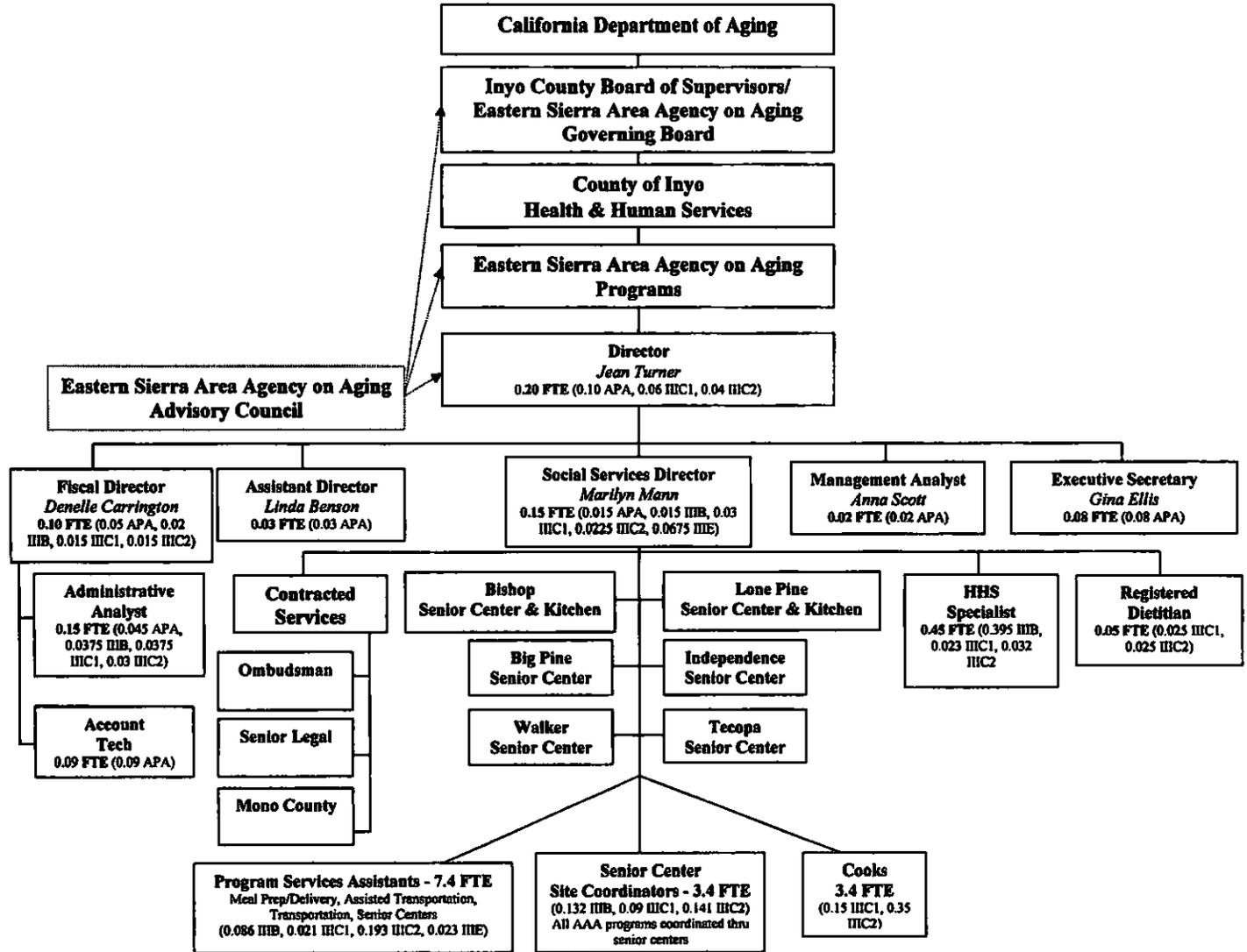
Family Caregiver Information, Access and Supplemental services can be addressed in both Inyo and Mono Counties through alternative resources including general information publications for the Adult Protective Service Programs (Mono County Social Services, 452 Old Mammoth Lakes Road – third floor, Mammoth Lakes, California and Inyo County Adult Social Services, 162 J Grove Street, Bishop, California), as well as through the general Information and Assistance program. In addition, the IHSS Caregiver Registries in both counties provide information, training and support to caregivers in both counties (Mono: Community Services Solutions, 26

HFU Circle, Suite 1, Coleville, California and Inyo: Life, Remedies and Celebrations, 314 W. Line Street, Suite E, Bishop, California). In addition, grandparent caregivers have additional caregiving resources including non-needy caregiver financial aid through the county social service programs (Mono County – same address as above and Inyo County, 920 North Main Street, Bishop, California). Child Care Connection, a program offered through the Inyo County Superintendent of Schools (164 Grandview, Bishop, California) has respite child care funding available to both counties as funding allows.

In determining how to utilize the Title III E funding, consideration was given to the limited amount available to serve a geographic area spanning over 360 miles in length, the limited identification of all mandated areas as priority needs in either community, and the available alternative resources. Based upon this analysis, the focus of resources was directed towards support services and respite care.

DRAFT

ESAAA ORGANIZATIONAL CHART, FY 2012-2013



Administrative (APA) FTE's is 0.43 = \$45,454 in Salaries and Benefits + \$39,928 in other costs (A-87, rent, etc.) for a total of \$85,382, which is covered by the CDA Administrative Allocation of \$61,043 and the required match amount of \$20,170 cash and \$4,032 in-kind

## **SECTION 22 –Assurances**

Pursuant to the Older Americans Act Amendments of 2006 (OAA), the Area Agency on Aging assures that it will:

### **A. Assurances**

#### **1. OAA306(a)(2)**

Provide an adequate proportion, as required under OAA 2006 307(a)(2), of the amount allotted for part B to the planning and service area will be expended for the delivery of each of the following categories of services—

(A) services associated with access to services (transportation, health services (including mental health services) outreach, information and assistance, (which may include information and assistance to consumers on availability of services under part B and how to receive benefits under and participate in publicly supported programs for which the consumer may be eligible) and case management services);

(B) in-home services, including supportive services for families of older individuals who are victims of Alzheimer's disease and related disorders with neurological and organic brain dysfunction; and

(C) legal assistance; and assurances that the area agency on aging will report annually to the State agency in detail the amount of funds expended for each such category during the fiscal year most recently concluded;

#### **2. OAA 306(a)(4)(A)(i)(I-II)**

(I) provide assurances that the area agency on aging will -

(aa) set specific objectives, consistent with State policy, for providing services to older individuals with greatest economic need, older individuals with greatest social need, and older individuals at risk for institutional placement;

(bb) include specific objectives for providing services to low-income minority older individuals,

older individuals with limited English proficiency, and older individuals residing in rural areas;

and;

(II) include proposed methods to achieve the objectives described in (aa) and (bb) of subclause (I);

#### **3. OAA 306(a)(4)(A)(ii)**

Include in each agreement made with a provider of any service under this title, a requirement that such provider will—

(I) specify how the provider intends to satisfy the service needs of low-income minority individuals, older individuals with limited English proficiency, and older individuals residing in rural areas in the area served by the provider;

(II) to the maximum extent feasible, provide services to low-income minority individuals, older individuals with limited English proficiency, and older individuals residing in rural areas in accordance with their need for such services; and

(III) meet specific objectives established by the area agency on aging, for providing services to low-income minority individuals, older individuals with limited English

proficiency, and older individuals residing in rural areas within the planning and service area;

4. OAA 306(a)(4)(A)(iii)

With respect to the fiscal year preceding the fiscal year for which such plan is prepared—

(I) identify the number of low-income minority older individuals in the planning and service area;

(II) describe the methods used to satisfy the service needs of such minority older individuals;

and

(III) provide information on the extent to which the area agency on aging met the objectives described in assurance number 2.

5. OAA 306(a)(4)(B)

Use outreach efforts that —

(i) identify individuals eligible for assistance under this Act, with special emphasis on—

(I) older individuals residing in rural areas;

(II) older individuals with greatest economic need (with particular attention to low-income minority individuals and older individuals residing in rural areas);

(III) older individuals with greatest social need (with particular attention to low-income minority individuals and older individuals residing in rural areas);

(IV) older individuals with severe disabilities;

(V) older individuals with limited English proficiency;

(VI) older individuals with Alzheimer's disease and related disorders with neurological and organic brain dysfunction (and the caretakers of such individuals); and

(VII) older individuals at risk for institutional placement; and

(ii) inform the older individuals referred to in sub-clauses (I) through (VII) of clause (i), and the caretakers of such individuals, of the availability of such assistance;

6. OAA 306(a)(4)(C)

Ensure that each activity undertaken by the agency, including planning, advocacy, and systems development, will include a focus on the needs of low-income minority older individuals and older individuals residing in rural areas;

7. OAA306(a)(5)

Coordinate planning, identification, assessment of needs, and provision of services for older individuals with disabilities, with particular attention to individuals with severe disabilities, and individuals at risk for institutional placement with agencies that develop or provide services for individuals with disabilities;

8. OAA306(a)(9)

Carry out the State Long-Term Care Ombudsman program under OAA 2006 307(a)(9), will expend not less than the total amount of funds appropriated under this Act and

expended by the agency in fiscal year 2000 in carrying out such a program under this title;

9. OAA306(a)(11)

Provide information and assurances concerning services to older individuals who are Native Americans (referred to in this paragraph as "older Native Americans"), including

(A) information concerning whether there is a significant population of older Native Americans in the planning and service area and if so, the area agency on aging will pursue activities, including outreach, to increase access of those older Native Americans to programs and benefits provided under this title;

(B) to the maximum extent practicable, coordinate the services the agency provides under this title with services provided under title VI; and

(C) make services under the area plan available, to the same extent as such services are available to older individuals within the planning and service area, to older Native Americans.

10. OAA306(a)(13)(A-E)

(A) maintain the integrity and public purpose of services provided, and service providers, under this title in all contractual and commercial relationships;

(B) disclose to the Assistant Secretary and the State agency—

(i) the identity of each nongovernmental entity with which such agency has a contract or commercial relationship relating to providing any service to older individuals; and

(ii) the nature of such contract or such relationship;

(C) demonstrate that a loss or diminution in the quantity or quality of the services provided, or to

be provided, under this title by such agency has not resulted and will not result from such contract or such relationship;

(D) demonstrate that the quantity or quality of the services to be provided under this title by such agency will be enhanced as a result of such contract or such relationship; and

(E) on the request of the Assistant Secretary or the State, for the purpose of monitoring compliance with this Act (including conducting an audit), disclose all sources and expenditures of funds such agency receives or expends to provide services to older individuals;

11. 306(a)(14)

Not give preference in receiving services to particular older individuals as a result of a contract or commercial relationship that is not carried out to implement this title;

12. 306(a)(15)

Funds received under this title will be used—

(A) to provide benefits and services to older individuals, giving priority to older individuals identified in OAA 2006 306(a)(4)(A)(i); and

(B) in compliance with the assurances specified in OAA 2006 306(a)(13) and the limitations specified in OAA 2006 212;

**B. Additional Assurances:**

**Requirement: OAA 305(c)(5)**

In the case of a State specified in subsection (b)(5), the State agency; and shall provide assurance, determined adequate by the State agency, that the area agency on aging will have the ability to develop an area plan and to carry out, directly or through contractual or other arrangements, a program in accordance with the plan within the planning and service area.

**Requirement: OAA 307(a)(7)(B)**

(i) no individual (appointed or otherwise) involved in the designation of the State agency or an area agency on aging, or in the designation of the head of any subdivision of the State agency or of an area agency on aging, is subject to a conflict of interest prohibited under this Act;  
(ii) no officer, employee, or other representative of the State agency or an area agency on aging is subject to a conflict of interest prohibited under this Act; and  
(iii) mechanisms are in place to identify and remove conflicts of interest prohibited under this Act.

**Requirement: OAA 307(a)(11)(A)**

(i) enter into contracts with providers of legal assistance, which can demonstrate the experience or capacity to deliver legal assistance;  
(ii) include in any such contract provisions to assure that any recipient of funds under division (i) will be subject to specific restrictions and regulations promulgated under the Legal Services Corporation Act (other than restrictions and regulations governing eligibility for legal assistance under such Act and governing membership of local governing boards) as determined appropriate by the Assistant Secretary; and  
(iii) attempt to involve the private bar in legal assistance activities authorized under this title, including groups within the private bar furnishing services to older individuals on a pro bono and reduced fee basis.

**Requirement: OAA 307(a)(11)(B)**

That no legal assistance will be furnished unless the grantee administers a program designed to provide legal assistance to older individuals with social or economic need and has agreed, if the grantee is not a Legal Services Corporation project grantee, to coordinate its services with existing Legal Services Corporation projects in the planning and service area in order to concentrate the use of funds provided under this title on individuals with the greatest such need; and the area agency on aging makes a finding, after assessment, pursuant to standards for service promulgated by the Assistant Secretary, that any grantee selected is the entity best able to provide the particular services.

**Requirement: OAA 307(a)(11)(D)**

To the extent practicable, that legal assistance furnished under the plan will be in addition to any legal assistance for older individuals being furnished with funds from sources other than this Act and that reasonable efforts will be made to maintain existing levels of legal assistance for older individuals; and

**Requirement: OAA307(a)(11)(E)**

Give priority to legal assistance related to income, health care, long-term care, nutrition, housing, utilities, protective services, defense of guardianship, abuse, neglect, and age discrimination.

**Requirement: OAA 307(a)(12)(A)**

In carrying out such services conduct a program consistent with relevant State law and coordinated with existing State adult protective service activities for -

- (i) public education to identify and prevent abuse of older individuals;
- (ii) receipt of reports of abuse of older individuals;
- (iii) active participation of older individuals participating in programs under this Act through outreach, conferences, and referral of such individuals to other social service agencies or sources of assistance where appropriate and consented to by the parties to be referred; and
- (iv) referral of complaints to law enforcement or public protective service agencies where appropriate.

**Requirement: OAA 307(a)(15)**

If a substantial number of the older individuals residing in any planning and service area in the State are of limited English-speaking ability, then the State will require the area agency on aging for each such planning and service area -

- (A) To utilize in the delivery of outreach services under Section 306(a)(2)(A), the services of workers who are fluent in the language spoken by a predominant number of such older individuals who are of limited English-speaking ability.
- (B) To designate an individual employed by the area agency on aging, or available to such area agency on aging on a full-time basis, whose responsibilities will include:
  - (i) taking such action as may be appropriate to assure that counseling assistance is made available to such older individuals who are of limited English-speaking ability in order to assist such older individuals in participating in programs and receiving assistance under this Act; and
  - (ii) providing guidance to individuals engaged in the delivery of supportive services under the area plan involved to enable such individuals to be aware of cultural sensitivities and to take into account effective linguistic and cultural differences.

**Requirement: OAA 307(a)(18)**

Conduct efforts to facilitate the coordination of community-based, long-term care services, pursuant to Section 306(a)(7), for older individuals who -

- (A) reside at home and are at risk of institutionalization because of limitations on their ability to function independently;
- (B) are patients in hospitals and are at risk of prolonged institutionalization; or
- (C) are patients in long-term care facilities, but who can return to their homes if community-based services are provided to them.

**Requirement: OAA 307(a)(26)**

That funds received under this title will not be used to pay any part of a cost (including an administrative cost) incurred by the State agency, or an area agency on aging, to carry out a contract or commercial relationship that is not carried out to implement this title.

Requirement: OAA 307(a)(27)

Provide, to the extent feasible, for the furnishing of services under this Act, consistent with self-directed care.

C. Code of Federal Regulations (CFR), Title 45 Requirements:

CFR[1321.53(a)(b)]

(a) The Older Americans Act intends that the area agency on aging shall be the leader relative to all aging issues on behalf of all older persons in the planning and service area. This means that the area agency shall proactively carry out, under the leadership and direction of the State agency, a wide range of functions related to advocacy, planning, coordination, interagency linkages, information sharing, brokering, monitoring and evaluation, designed to lead to the development or enhancement of comprehensive and coordinated community based systems in, or serving, each community in the Planning and Service Area. These systems shall be designed to assist older persons in leading independent, meaningful and dignified lives in their own homes and communities as long as possible.

(b) A comprehensive and coordinated community-based system described in paragraph (a) of this section shall:

- (1) Have a visible focal point of contact where anyone can go or call for help, information or referral on any aging issue;
- (2) Provide a range of options;
- (3) Assure that these options are readily accessible to all older persons: The independent, semi-dependent and totally dependent, no matter what their income;
- (4) Include a commitment of public, private, voluntary and personal resources committed to supporting the system;
- (5) Involve collaborative decision-making among public, private, voluntary, religious and fraternal organizations and older people in the community;
- (6) Offer special help or targeted resources for the most vulnerable older persons, those in danger of losing their independence;
- (7) Provide effective referral from agency to agency to assure that information or assistance is received, no matter how or where contact is made in the community;
- (8) Evidence sufficient flexibility to respond with appropriate individualized assistance, especially for the vulnerable older person;
- (9) Have a unique character which is tailored to the specific nature of the community;
- (10) Be directed by leaders in the community who have the respect, capacity and authority necessary to convene all interested individuals, assess needs, design solutions, track overall success, stimulate change and plan community responses for the present and for the future.

CFR[1321.53(c)]

The resources made available to the area agency on aging under the Older Americans Act are to be used to finance those activities necessary to achieve elements of a community based system set forth in paragraph (b) of this section.

CFR[1321.53(c)]

Work with elected community officials in the planning and service area to designate one or more focal points on aging in each community, as appropriate.

CFR[1321.53(c)]

Assure access from designated focal points to services financed under the Older Americans Act.

CFR[1321.53(c)]

Work with, or work to assure that community leadership works with, other applicable agencies and institutions in the community to achieve maximum collocation at, coordination with or access to other services and opportunities for the elderly from the designated community focal points.

CFR[1321.61(b)(4)]

Consult with and support the State's long-term care ombudsman program.

CFR[1321.61(d)]

No requirement in this section shall be deemed to supersede a prohibition contained in the Federal appropriation on the use of Federal funds to lobby the Congress; or the lobbying provision applicable to private nonprofit agencies and organizations contained in OMB Circular A-122.

CFR[1321.69(a)]

Persons age 60 and older who are frail, homebound by reason of illness or incapacitating disability, or otherwise isolated, shall be given priority in the delivery of services under this part.

# **ATTACHMENT A**

**Results of Needs Assessments:**

**Aggregate Responses**

## AAA Needs Assessment Responses - Spring 2012

| IIIB   | Inyo County<br>(200 Responses) |                    | Mono County<br>(41 Responses) |                    |
|--|--------------------------------|--------------------|-------------------------------|--------------------|
|  | Responses                      | Ranking<br>(1-20)* | Responses                     | Ranking<br>(1-20)* |
| <b>Assisted Transportation (Access)</b>  |                                |                    |                               |                    |
| Access to Health Care  | 148                            | 1                  | 31                            | 2-3 (tie)          |
| Access to local transportation to do shopping and access local services                              | 118                            | 8-9 (tie)          | 25                            | 10                 |
| Access to transportation out of the area for medical or other needs                                  | 138                            | 3-4 (tie)          | 29                            | 6                  |
| <b>Information and Assistance (Access)</b>   |                                |                    |                               |                    |
| Ability to pay for health care services  | 147                            | 2                  | 32                            | 1                  |
| Information about Medicare, long-term care insurance or other health matters                         | 124                            | 7                  | 30                            | 4-5 (tie)          |
| Getting adequate housing   | 94                             | 13                 | 21                            | 14                 |
| Ability to get a job or continue working   | 61                             | 20                 | 23                            | 12-13 (tie)        |
| Having enough money to live on   | 138                            | 3-4 (tie)          | 31                            | 2-3 (tie)          |
| Getting information about services or benefits for seniors   | 112                            | 11                 | 28                            | 7                  |
| Help for seniors with conditions like Alzheimers, Parkinsons or dementia                             | 126                            | 6                  | 24                            | 11                 |
| <b>Mental Health (Access)</b>  |                                |                    |                               |                    |
| Availability of social or recreational activities  | 78                             | 19                 | 23                            | 12-13 (tie)        |
| Dealing with grief, loss or emotional issues   | 105                            | 12                 | 20                            | 15-16 (tie)        |
| <b>Public Information (Access)</b>   |                                |                    |                               |                    |
| Crime or Personal safety issues  | 91                             | 17                 | 16                            | 19-20 (tie)        |
| <b>Case Management (Access)</b>  |                                |                    |                               |                    |
| Getting help managing money, credit cards or debt  | 87                             | 18                 | 17                            | 18                 |
| <b>Legal Assistance (Legal)</b>  |                                |                    |                               |                    |
| Getting legal assistance for matters such as contracts, wills, estate planning or other legal issues | 93                             | 15-16 (tie)        | 20                            | 15-16 (tie)        |
| <b>Residential Repairs/Modifications (In-Home)</b>   |                                |                    |                               |                    |
| Maintenance or repair of housing   | 130                            | 5                  | 30                            | 4-5 (tie)          |
| <b>Respite Care (In-Home)</b>  |                                |                    |                               |                    |
| Respite and other support for family members and friends that are providing care for local seniors   | 118                            | 8-9 (tie)          | 27                            | 8-9 (tie)          |
| <b>Homemaker (In-Home)</b>   |                                |                    |                               |                    |
| Help with housekeeping activities like cleaning and laundry  | 104                            | 14                 | 18                            | 17                 |
| <b>Personal Care (In-Home)</b>   |                                |                    |                               |                    |
| Getting help with activities of daily living such as dressing, eating, bathing and grooming          | 93                             | 15-16 (tie)        | 16                            | 19-20 (tie)        |
| <b>IIIC-1 Congregate Nutrition</b>   |                                |                    |                               |                    |
| <b>IIIC-2 Home Delivered Meals</b>   |                                |                    |                               |                    |
|  | 118                            | 8-9 (tie)          | 27                            | 8-9 (tie)          |

|                                | Responses | Percentage | Responses | Percentage |
|--------------------------------|-----------|------------|-----------|------------|
| <b>IIIE - Family Caregiver</b> | 44        | 88%        | 6         | 12%        |

\*How the need ranked out of 20 choices on the Needs Assessment, based on "moderate" and "large" concern

# INYO MONO AREA AGENCY ON AGING

## *Needs Assessment for Residents of Long-Term Care Facilities*

PLEASE RETURN COMPLETED SURVEYS BY **FRIDAY, APRIL 6, 2012** TO:

INYO MONO AREA AGENCY ON AGING

**RESULTS: 60 SURVEYS**

163 MAY STREET  
BISHOP, CA 93514

|                         |   |                               |                         |                               |                  |                  |                         |                         |                    |         |  |
|-------------------------|---|-------------------------------|-------------------------|-------------------------------|------------------|------------------|-------------------------|-------------------------|--------------------|---------|--|
| <b>1.</b>               | <b>What caused your move to a nursing home, long-term care or assisted living facility?</b><br>*Finances *Doctor(5) *Stroke *resident *I was sick and needed help *fell(9) *dementia(4) *injuries from accident *needed more care *unable to prepare meals, bath self, walk distance greater than 10ft, developed bed sores *broken hip/unable to care for self at home *General decline in health(2) *family could no longer care for me *illness(7) *she could not care for herself anymore and we could do it anymore *operation/recovery(4) *financial *didn't have anywhere else to go(3) *couldn't live with daughter *closer to family(2) *family couldn't care for me at home(5) *too many falls at home *couldn't live in the elevation at children's homes *didn't want to be a burden to family *family *injury(2) |                               |                         |                               |                  |                  |                         |                         |                    |         |  |
| <b>2.</b>               | <b>Who made the decision for your move to a facility?</b><br>*Resident(11) *family(26) *DPOA *assisted living facility and my dr. *POA & family *dr. and family(3) *dr. & POA *Doctor(10) *family and myself(5)   |                               |                         |                               |                  |                  |                         |                         |                    |         |  |
| <b>3.</b>               | <b>Did you use long-term care services prior to moving to this facility?</b>  | <b>YES 21 NO 39</b>           |                         |                               |                  |                  |                         |                         |                    |         |  |
|                         | <i>If you answered "Yes", which services did you use?</i>   |                               |                         |                               |                  |                  |                         |                         |                    |         |  |
|                         | <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">0 Case management</td> <td style="width: 33%;">1 Adult Day Health Care</td> <td style="width: 33%;">3 In-Home Supportive Services</td> </tr> <tr> <td>2 Adult Day Care</td> <td>1 Transportation</td> <td>15 Home-delivered meals</td> </tr> <tr> <td>8 Housekeeping Services</td> <td>1 Home Health Care</td> <td>0 Other</td> </tr> </table>  | 0 Case management             | 1 Adult Day Health Care | 3 In-Home Supportive Services | 2 Adult Day Care | 1 Transportation | 15 Home-delivered meals | 8 Housekeeping Services | 1 Home Health Care | 0 Other |  |
| 0 Case management       | 1 Adult Day Health Care   | 3 In-Home Supportive Services |                         |                               |                  |                  |                         |                         |                    |         |  |
| 2 Adult Day Care        | 1 Transportation  | 15 Home-delivered meals       |                         |                               |                  |                  |                         |                         |                    |         |  |
| 8 Housekeeping Services | 1 Home Health Care  | 0 Other                       |                         |                               |                  |                  |                         |                         |                    |         |  |
|                         | <i>Were you satisfied with the quality of services you received?</i>  | <b>YES 27 NO 0</b>            |                         |                               |                  |                  |                         |                         |                    |         |  |
|                         | <i>If no, why not?</i>  |                               |                         |                               |                  |                  |                         |                         |                    |         |  |
|                         | <i>Did the services meet your needs?</i>  | <b>YES 27 NO 1</b>            |                         |                               |                  |                  |                         |                         |                    |         |  |
|                         | <i>If no, why not? *the caregiver was not providing the proper care</i>   |                               |                         |                               |                  |                  |                         |                         |                    |         |  |
|                         | <i>Did you know about the long-term care services in your community?</i>  | <b>YES 36 NO 20</b>           |                         |                               |                  |                  |                         |                         |                    |         |  |
|                         | <i>Could you afford the services you needed?</i>  | <b>YES 16 NO 24</b>           |                         |                               |                  |                  |                         |                         |                    |         |  |
| <b>4.</b>               | <b>Do you have long-term care insurance?</b>  | <b>YES 12 NO 48</b>           |                         |                               |                  |                  |                         |                         |                    |         |  |
|                         | <i>If yes, did it pay for the services that you thought it would?</i>   | <b>YES 8 NO 3</b>             |                         |                               |                  |                  |                         |                         |                    |         |  |
| <b>5.</b>               | <b>Do you belong to a Health Maintenance Organization (HMO)?</b>  | <b>YES 4 NO 54</b>            |                         |                               |                  |                  |                         |                         |                    |         |  |
|                         | <i>Are you getting the services you thought you would?</i>  | <b>YES 4 NO 2</b>             |                         |                               |                  |                  |                         |                         |                    |         |  |
| <b>6.</b>               | <b>Has a doctor visited you since your move to this facility?</b>   | <b>YES 49 NO 10</b>           |                         |                               |                  |                  |                         |                         |                    |         |  |
|                         | <i>If yes, how often? *monthly (14) *Dr. Kibler as needed &amp; quarterly care, excellent *daily if needed *2 times in 8 months *twice a month *every couple of months *once(2) *when needed *weekly *every once in a while *couple of times(2)</i>   |                               |                         |                               |                  |                  |                         |                         |                    |         |  |
| <b>7.</b>               | <b>Do you have family and friends in the area that visit you?</b>   | <b>YES 53 NO 5</b>            |                         |                               |                  |                  |                         |                         |                    |         |  |

# INYO MONO AREA AGENCY ON AGING

## *Needs Assessment for Residents of Long-Term Care Facilities*

*If yes, how often?* \*daily(15) \*more then once a week(14) \*weekly(5) \*once every 2 weeks  
 \*monthly(4) \*they live in NV but come 1 or 2 times a month \*I live in ridgecrest but go up weekly to visit  
 mother \*every couple of months(3) \*every once in a while \*lots of family

**8. Does your facility have a resident council?** YES **50** NO **2**  
*If yes, do you attend the meetings?* YES **25** NO **23**  
*If not, why not?* \*Quarterly meetings by staff, resident mentally/physically unable to attend \*We are  
 having medical issues & I live very far away \*dementia(2) \*don't know(3) \*Choose not to(5) \*don't have any  
 questions \*don't feel it is necessary \*they haven't had one since I've lived here \*they are boring \*busy \*too  
 tired \*don't see or hear very well \*working

**9. Does your facility have a family council?** YES **10** NO **45**  
*If yes, do members of your family attend?* YES **7** NO **8**

**10. Please rate your quality of life (1 – lowest; 10 – highest):** 1 2 3 4 5 6 7 8 9 10

| 1 | 2 | 3  | 4 | 5  | 6 | 7  |
|---|---|----|---|----|---|----|
| 3 | 3 | 1  | 3 | 10 | 2 | 12 |
| 8 | 9 | 10 |   |    |   |    |
| 8 | 2 | 10 |   |    |   |    |

**2012 Assessment of Needs of Adults Aged 60+, by Community**

Please help our local Boards of Supervisors and the California Department of Aging plan for the needs of seniors by completing and returning a survey to 163 May Street, Bishop, CA 93514, or dropping it off at your nearest Senior Center. Thank you for taking the time to complete this!

1. Please check the box next to the resident town/community where this older adult live(s):  Walker/Coleville  
 Bridgeport  LeeVining  June Lake  Mammoth Lakes  Swall Meadows/Paradise/Sunny Slopes  Benton  Chalfant Valley  
 Bishop  Aspendell/Bishop Creek/Starlite  Big Pine  Independence  Lone Pine  Olancha/Cartago  
 Keeler/Darwin  Furnace Creek  Tecopa/Shoshone  Charleston View

2. Listed below are issues that could affect the quality of life for local seniors. Please check a box next to each issue that best fits your opinion of how great of a concern the issue is for people age 60 and over in your community (same community identified above).

|  | <u>Not a concern</u>     | <u>Minor concern</u>     | <u>Moderate concern</u>  | <u>Large concern</u>     |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| Getting adequate food and nutrition  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Access to health care services   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Ability to pay for health care services  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Information about Medicare, long-term care insurance or other health insurance matters               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Getting help with activities of daily living such as dressing, eating, bathing and grooming          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Getting adequate housing   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Maintenance or repair of housing   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Help with housekeeping activities like cleaning and laundry  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Ability to get a job or continue working   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Having enough money to live on   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Getting help with managing money, credit cards or debt   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Access to local transportation to do shopping and access local services or the local senior center   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Access to transportation out of the area for medical or other needs                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Getting legal assistance for matters such as contracts, wills, estate planning or other legal issues | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Availability of social or recreational activities  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Crime or personal safety issues  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Dealing with grief, loss, feeling isolated or depressed  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Getting information about services or benefits for seniors   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Help for seniors with conditions like Alzheimer's Disease, Parkinson's Disease or dementia           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Respite and other support for family members and friends that are providing care for local seniors   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

3. If you found out that you were eligible to receive CalFresh (formerly Food Stamps), would you be interested in receiving a CalFresh card for purchasing groceries? \_\_\_ Yes \_\_\_ Maybe \_\_\_ No
4. What services do or would make the greatest difference in the health, independence or quality of life for seniors in your community if they were available or made more available? Please list up to three services.
- 1) \_\_\_\_\_
- 2) \_\_\_\_\_
- 3) \_\_\_\_\_
5. What other suggestions do you have for how we can better support the needs of local seniors?
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

***Please tell us about yourself by answering the following questions but do NOT write your name. We are required to collect this information in order to receive state and federal money to pay for local senior services.***

6. Your age:  59 and under  60-64 years  65-74 years  75-84 years  85 years and over
7. Gender:  Male  Female  Transgender
8. Are you a veteran?  Yes  No
9. Ethnicity (please check only one):
- African American  American Indian or Alaska Native  Asian  Caucasian/White
- Hispanic or Latino  Native Hawaiian or Pacific Islander  Multiracial  Other
10. Do you identify as  Gay or Lesbian  Bisexual
11. Education (please check highest grade level completed):
- 0-8th grade  9-12th grade  Some college  College graduate
12. Estimated total household income last year (2011):
- Under \$10,000  \$10,000 - \$15,000  \$15,000 - \$20,000  \$20,000 - \$30,000
- \$30,000 - \$50,000  \$50,000 - \$75,000  Over \$75,000  Decline to Answer
13. Do you live alone?  Yes  No
14. What is your current living situation?
- Living in my own home (own or rent)  Living in the home of a child or other relative
- Living in a long-term care facility such as a board and care home, assisted living or nursing facility
- Living in a hotel, motel or other location  No stable residence at this time

15. Do you currently provide regular care or support for a person age 60 or older in Inyo or Mono County?

Yes  No

If yes; Are you aware of what services are available to support you as a caregiver?  Yes  No

If yes; please rank the following services according to which would be most helpful to you? Please rank 1-8, with 1 being the most helpful, and 8 being the least helpful.

- \_\_\_\_\_ Information & Assistance in accessing resources
- \_\_\_\_\_ Assessment of your resources & needs
- \_\_\_\_\_ Caregiver counseling/guidance
- \_\_\_\_\_ Peer counseling/support group
- \_\_\_\_\_ Training on caregiving
- \_\_\_\_\_ Case management
- \_\_\_\_\_ Respite care
- \_\_\_\_\_ Other; please explain: \_\_\_\_\_

16. If living with a child under the age of 18, are you the primary caregiver?  Yes  No

If yes, are you're the parent of this child?  Yes  No

If no, and you are at least 55 years of age, what type of help would support you in caring for this child?

\_\_\_\_\_  
\_\_\_\_\_

17. The form of transportation I use most often is (please check only one):

- My own vehicle
- Relatives
- Friends
- Bus
- Dial-a-Ride
- Taxi
- Other
- No transportation is available

## Agencia para las Personas de Edad Avanzada del Area de Inyo/Mono Encuesta Comunitaria

Por favor llene esta encuesta y ayúdenos a determinar cómo podemos apoyar mejor a las personas de edad avanzada. La fecha límite para entregar la encuesta es el 2 de marzo del 2012. Usted puede devolver esta encuesta por correo o entregarla en la siguiente dirección: 163 May Street, Bishop, CA 93514. Sus respuestas son confidenciales y se utilizarán para planear los servicios que se ofrecerán a las personas de edad avanzada en un futuro. ¡Muchas gracias!

1. Ciudad/localidad donde usted vive o que se encuentra más próxima:

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2. A continuación se enlistan algunas cuestiones que pueden afectar la calidad de vida para las personas de edad avanzada que viven en esta localidad. Por favor marque el recuadro que mejor represente la importancia que tiene cada una de estas cuestiones para personas de 60 años de edad y mayores en su comunidad.

|  | <u>No es motivo<br/>de<br/>preocupación</u> | Es un motivo<br>de<br>preocupación<br><u>menor</u> | Es un motivo<br>de<br>preocupación<br><u>moderado</u> | Es un motivo<br>de<br>preocupación<br><u>muy<br/>importante</u> |
|--|---|--|---|---|
| Obtener una alimentación y nutrición adecuadas   | <input type="checkbox"/>                    | <input type="checkbox"/>                           | <input type="checkbox"/>                              | <input type="checkbox"/>  |
| Tener acceso a los servicios para el cuidado de la salud   | <input type="checkbox"/>                    | <input type="checkbox"/>                           | <input type="checkbox"/>                              | <input type="checkbox"/>  |
| Poder pagar el costo de los servicios para el cuidado de la salud  | <input type="checkbox"/>                    | <input type="checkbox"/>                           | <input type="checkbox"/>                              | <input type="checkbox"/>  |
| Recibir información sobre Medicare, los seguros médicos a largo plazo u otras cuestiones relacionadas con los seguros de salud | <input type="checkbox"/>                    | <input type="checkbox"/>                           | <input type="checkbox"/>                              | <input type="checkbox"/>  |
| Obtener ayuda para realizar las actividades cotidianas, tales como vestirse, comer, bañarse y asearse                          | <input type="checkbox"/>                    | <input type="checkbox"/>                           | <input type="checkbox"/>                              | <input type="checkbox"/>  |
| Tener una vivienda adecuada  | <input type="checkbox"/>                    | <input type="checkbox"/>                           | <input type="checkbox"/>                              | <input type="checkbox"/>  |
| Mantenimiento o reparación de la vivienda  | <input type="checkbox"/>                    | <input type="checkbox"/>                           | <input type="checkbox"/>                              | <input type="checkbox"/>  |
| Recibir ayuda con las actividades del hogar, tales como limpieza y lavandería  | <input type="checkbox"/>                    | <input type="checkbox"/>                           | <input type="checkbox"/>                              | <input type="checkbox"/>  |
| Poder obtener un empleo o seguir trabajando  | <input type="checkbox"/>                    | <input type="checkbox"/>                           | <input type="checkbox"/>                              | <input type="checkbox"/>  |
| Tener suficiente dinero para vivir   | <input type="checkbox"/>                    | <input type="checkbox"/>                           | <input type="checkbox"/>                              | <input type="checkbox"/>  |
| Obtener ayuda para administrar el dinero   | <input type="checkbox"/>                    | <input type="checkbox"/>                           | <input type="checkbox"/>                              | <input type="checkbox"/>  |

## Agencia para las Personas de Edad Avanzada del Area de Inyo/Mono Encuesta Comunitaria

|  |                          |                          |                          |                          |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| Tener acceso a un transporte local para ir de compras y acceder a los servicios locales  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Tener acceso a un medio de transporte fuera del área para recibir servicios médicos u otras necesidades                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Obtener ayuda legal para asuntos tales como contratos, testamentos, herencias y otras cuestiones legales                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Disponibilidad de actividades sociales o recreativas   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Crimen y otras cuestiones relacionadas con la seguridad personal   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Obtener ayuda para lidiar con cuestiones emocionales, incluyendo la pérdida de seres queridos y la aflicción                             | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Obtener información sobre servicios o beneficios para personas de edad avanzada  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Ayuda para personas de edad avanzada que sufren de enfermedades tales como la enfermedad de Alzheimer, el mal de Parkinson o la demencia | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Ayuda temporal u otros apoyos para parientes y amigos que cuidan de personas de edad avanzada en la localidad                            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

3. ¿Qué servicios harían la mayor diferencia en la salud, la independencia o la calidad de vida de las personas de edad avanzada en su comunidad si estuvieran disponibles? Por favor anote hasta tres servicios.

- 1) \_\_\_\_\_
- 2) \_\_\_\_\_
- 3) \_\_\_\_\_

4. ¿Qué otras sugerencias tiene usted para que podamos apoyar mejor las necesidades de las personas de edad avanzada en nuestra localidad?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Por favor responda a las siguientes preguntas para proporcionarnos un poco de información sobre usted, pero NO anote su nombre. Tenemos la obligación de recabar esta información para poder recibir los apoyos estatales y federales que utilizamos para el pago de los servicios que reciben las personas de edad avanzada de nuestra localidad.

5. Su edad:  59 y menor  60-64 años  65-74 años  75-84 años  85 años y mayor

6. Género:  Masculino  Femenino

7. ¿Es usted veterano de guerra?  Sí  No

## **Agencia para las Personas de Edad Avanzada del Area de Inyo/Mono Encuesta Comunitaria**

8. Etnicidad (por favor marque una respuesta):

- Afroamericano    Indio Americano o Nativo de Alaska    Asiático    Caucásico/Blanco  
 Hispano o Latino    Nativo de Hawai o Isleño del Pacífico    Multiracial    Otro

9. Educación (por favor marque el grado de educación más alto que haya terminado):

- 0-8° grado    9-12° grado    Estudios parciales en universidad    Graduado de universidad

10. Ingreso total estimado de su hogar durante el 2008:

- Menos de \$10,000    \$10,000 - \$15,000    \$15,000 - \$20,000    \$20,000 - \$30,000  
 \$30,000 - \$50,000    \$50,000 - \$75,000    Más de \$75,000    No Deseo Responder

11. ¿Actualmente proporciona usted cuidados o apoyos habituales a una persona de 60 años de edad o mayor en el Condado de Inyo o Mono?

- Sí    No

12. ¿Vive usted solo(a)?    Sí    No

13. ¿Cuál es su situación de vivienda actual?

- Vivo en mi propia casa (rentada o de mi propiedad)    Vivo en casa de mi hijo(a) u otro pariente  
 Vivo en una institución de cuidados a largo plazo, tal como una casa de reposo, un asilo, un sanatorio o una institución de asistencia para vivir  
 Vivo en un hotel, motel u otra ubicación    No tengo una residencia estable en este momento

14. El medio de transporte que utilizo con más frecuencia es (por favor marque una respuesta):

- Mi propio vehículo    Parientes    Amigos    Autobús    Dial-a-Ride    Taxi    Otro  
 No tengo un medio de transporte disponible

# INYO MONO AREA AGENCY ON AGING

## *Needs Assessment for Residents of Long-Term Care Facilities*

PLEASE RETURN COMPLETED SURVEYS BY FRIDAY, APRIL 6, 2012 TO:

INYO MONO AREA AGENCY ON AGING  
163 MAY STREET  
BISHOP, CA 93514

|            |  |  |
|------------|--|--|
| <b>1.</b>  | What caused your move to a nursing home, long-term care or assisted living facility?   |  |
| <b>2.</b>  | Who made the decision for your move to a facility?   |  |
| <b>3.</b>  | Did you use long-term care services prior to moving to this facility? YES <input type="checkbox"/> NO <input type="checkbox"/> |  |
|            | <i>If you answered "Yes", which services did you use?</i>  |  |
|            | <input type="checkbox"/> Case management   | <input type="checkbox"/> Adult Day Health Care       |
|            | <input type="checkbox"/> Adult Day Care  | <input type="checkbox"/> Transportation              |
|            | <input type="checkbox"/> Housekeeping Services   | <input type="checkbox"/> Home Health Care            |
|            |  | <input type="checkbox"/> In-Home Supportive Services |
|            |  | <input type="checkbox"/> Home-delivered meals        |
|            |  | <input type="checkbox"/> Other                       |
|            | Were you satisfied with the quality of services you received? YES <input type="checkbox"/> NO <input type="checkbox"/>         |  |
|            | <i>If no, why not?</i>   |  |
|            | Did the services meet your needs? YES <input type="checkbox"/> NO <input type="checkbox"/>                                     |  |
|            | <i>If no, why not?</i>   |  |
|            | Did you know about the long-term care services in your community? YES <input type="checkbox"/> NO <input type="checkbox"/>     |  |
|            | Could you afford the services you needed? YES <input type="checkbox"/> NO <input type="checkbox"/>                             |  |
| <b>4.</b>  | Do you have long-term care insurance? YES <input type="checkbox"/> NO <input type="checkbox"/>                                 |  |
|            | <i>If yes, did it pay for the services that you thought it would?</i> YES <input type="checkbox"/> NO <input type="checkbox"/> |  |
| <b>5.</b>  | Do you belong to a Health Maintenance Organization (HMO)? YES <input type="checkbox"/> NO <input type="checkbox"/>             |  |
|            | <i>Are you getting the services you thought you would?</i> YES <input type="checkbox"/> NO <input type="checkbox"/>            |  |
| <b>6.</b>  | Has a doctor visited you since your move to this facility? YES <input type="checkbox"/> NO <input type="checkbox"/>            |  |
|            | <i>If yes, how often?</i>  |  |
| <b>7.</b>  | Do you have family and friends in the area that visit you? YES <input type="checkbox"/> NO <input type="checkbox"/>            |  |
|            | <i>If yes, how often?</i>  |  |
| <b>8.</b>  | Does your facility have a resident council? YES <input type="checkbox"/> NO <input type="checkbox"/>                           |  |
|            | <i>If yes, do you attend the meetings?</i> YES <input type="checkbox"/> NO <input type="checkbox"/>                            |  |
|            | <i>If not, why not?</i>  |  |
| <b>9.</b>  | Does your facility have a family council? YES <input type="checkbox"/> NO <input type="checkbox"/>                             |  |
|            | <i>If yes, do members of your family attend?</i> YES <input type="checkbox"/> NO <input type="checkbox"/>                      |  |
| <b>10.</b> | Please rate your quality of life (1 – lowest; 10 – highest): 1 2 3 4 5 6 7 8 9 10  |  |

# **ATTACHMENT B**

## **Utilization Trends**

**AAA Service Utilization - FY 10/11 and First 3 Quarters of FY 11/12**

|  | Inyo County<br>FY 10/11                   |                         | Mono County<br>FY 10/11 |                         | Inyo County<br>7/1/11-3/31/12 |                  | Mono County<br>7/1/11-3/31/12 |                         |
|--|---|-------------------------|-------------------------|-------------------------|-------------------------------|------------------|-------------------------------|-------------------------|
|  | # Served                                  | Inyo %<br>Service Split | # Served                | Mono %<br>Service Split | # Served                      | Service<br>Split | # Served                      | Mono %<br>Service Split |
| <b>IIIB</b>  |   |                         |                         |                         |                               |                  |                               |                         |
| <b>Assisted Transportation (Access)</b>  |   |                         |                         |                         |                               |                  |                               |                         |
| Unduplicated Clients Served  | 17  | 63%                     | 10                      | 37%                     | 14                            | 67%              | 7                             | 33%                     |
| Total # Trips Provided   | 110                                       | 50%                     | 112                     | 50%                     | 79                            | 75%              | 26                            | 25%                     |
| <b>Transportation (Access)</b>   |   |                         |                         |                         |                               |                  |                               |                         |
| Total # Service Units  | 3398                                      |                         | no data                 |                         | 2430                          | 86%              | 390                           | 14%                     |
| <b>Information and Assistance (Access)</b>   |   |                         |                         |                         |                               |                  |                               |                         |
| Total # Service Units  | 366                                       | 91%                     | 38                      | 9%                      | 979                           | 76%              | 316                           | 24%                     |
|  |   |                         |                         |                         |                               |                  |                               |                         |
| <b>Legal Assistance (Legal)</b>  |   |                         |                         |                         |                               |                  |                               |                         |
| Total Clients Served (calendar year 2010 & 2011)                                     | 90 cases total- no county differentiation |                         |                         |                         | 81                            | 81%              | 19                            | 19%                     |
| <b>Chore (In-Home) incl heavy house cleaning &amp; maintenance/repair of housing</b> |   |                         |                         |                         |                               |                  |                               |                         |
| Unduplicated Clients Served  |   |                         |                         |                         | 0                             | 0%               | 3                             | 100%                    |
| Total # Service Units  |   |                         |                         |                         | 0                             | 0%               | 19                            | 100%                    |
| <b>Homemaker (In-Home)</b>   |   |                         |                         |                         |                               |                  |                               |                         |
| Unduplicated Clients Served  | 63  | 98%                     | 1                       | 2%                      | 49                            | 98%              | 1                             | 2%                      |
| Total # Service Units  | 2599                                      | 99%                     | 37                      | 1%                      | 1724                          | 97%              | 52                            | 3%                      |
| <b>Personal Care (In-Home)</b>   |   |                         |                         |                         |                               |                  |                               |                         |
| Unduplicated Clients Served  | 19  | 100%                    | 0                       | 0%                      | 19                            | 100%             | 0                             | 0%                      |
| Total # Service Units  | 701                                       | 100%                    | 0                       | 0%                      | 457                           | 100%             | 0                             | 0%                      |
| <b>IIIC-1 Congregate Nutrition</b>   |   |                         |                         |                         |                               |                  |                               |                         |
| Unduplicated Clients Served  | 306                                       | 72%                     | 121                     | 28%                     | 244                           | 75%              | 83                            | 25%                     |
| Total # Meals Served   | 15729                                     | 86%                     | 2658                    | 14%                     | 13164                         | 85%              | 2273                          | 15%                     |
| <b>IIIC-2 Home Delivered Meals</b>   |   |                         |                         |                         |                               |                  |                               |                         |
| Unduplicated Clients Served  | 375                                       | 92%                     | 34                      | 8%                      | 318                           | 91%              | 30                            | 9%                      |
| Total # Meals Served   | 57958                                     | 92%                     | 5259                    | 8%                      | 38750                         | 90%              | 4172                          | 10%                     |
| <b>IIIE - Respite Homemaking Assistance (Respite)</b>                                |   |                         |                         |                         |                               |                  |                               |                         |
| Unduplicated Clients Served  | 1   | 100%                    | 0                       | 0%                      | 2                             | 100%             | 0                             | 0%                      |
| Total # Service Units  | 24  | 100%                    | 0                       | 0%                      | 22                            | 100%             | 0                             | 0%                      |
| <b>IIIE - Respite Personal Care Assistance (Respite)</b>                             |   |                         |                         |                         |                               |                  |                               |                         |
| Unduplicated Clients Served  |   |                         |                         |                         | 2                             | 100%             | 0                             | 0%                      |
| Total # Service Units  |   |                         |                         |                         | 43                            | 100%             | 0                             | 0%                      |
| <b>IIIE - Caregiver Assessment (Support)</b>   |   |                         |                         |                         |                               |                  |                               |                         |
| Unduplicated Clients Served  |   |                         |                         |                         | 2                             | 100%             | 0                             | 0%                      |
| Total # Service Units  |   |                         |                         |                         | 2                             | 100%             | 0                             | 0%                      |
| <b>IIIE - Caregiver Counseling (Support)</b>   |   |                         |                         |                         |                               |                  |                               |                         |
| Unduplicated Clients Served  |   |                         |                         |                         | 2                             | 100%             | 0                             | 0%                      |
| Total # Service Units  |   |                         |                         |                         | 2                             | 100%             | 0                             | 0%                      |

# **ATTACHMENT C**

**Elder Economic Security Standard Index**

**for Mono County, Inyo County**

**and**

**Income Distribution by Community**

# Mono County, CA 2010 Elder Economic Security Standard™ Index

Elder Index Per Year, Annual Comparisons, and Basic Monthly Expenses for Selected Household Types

## Elder Index Per Year

|  | Elder Person       |                  |                     | Elder Couple       |                  |                     |
|--|--------------------|------------------|---------------------|--------------------|------------------|---------------------|
|  | Owner w/o mortgage | Owner w/mortgage | Renter, one bedroom | Owner w/o mortgage | Owner w/mortgage | Renter, one bedroom |
| <b>Income Needed to Meet Basic Needs</b><br>(based on monthly expenses shown below)    | <b>\$17,698</b>    | <b>\$32,823</b>  | <b>\$23,550</b>     | <b>\$27,569</b>    | <b>\$42,693</b>  | <b>\$33,420</b>     |
| <b>Annual Comparison Amounts</b>   |                    |                  |                     |                    |                  |                     |
| <b>Federal Poverty Guidelines (2010 DHSIS)</b>   | \$10,830           | \$10,830         | \$10,830            | \$14,570           | \$14,570         | \$14,570            |
| <b>% of Federal Poverty</b><br>(Elder Index divided by (1) Federal Poverty Guidelines) | 163%               | 303%             | 217%                | 189%               | 293%             | 229%                |
| <b>SSI Payment Maximum, California 2010</b>  | \$10,140           | \$10,140         | \$10,140            | \$16,886           | \$16,886         | \$16,886            |
| <b>SSI Income Gap</b><br>(SSI Payment Maximum minus (-) Elder Index)                   | <b>-\$7,558</b>    | <b>-\$22,683</b> | <b>-\$13,410</b>    | <b>-\$10,682</b>   | <b>-\$25,807</b> | <b>-\$16,534</b>    |
| <b>Median Social Security Payment 2009</b>   | \$11,924           | \$11,924         | \$11,924            | \$20,768           | \$20,768         | \$20,768            |
| <b>Soc Sec Income Gap</b><br>(Average Social Security Payment minus (-) Elder Index)   | <b>-\$5,774</b>    | <b>-\$20,899</b> | <b>-\$11,626</b>    | <b>-\$6,801</b>    | <b>-\$21,925</b> | <b>-\$12,652</b>    |

### \*Basic Monthly Expenses Used to Calculate Elder Index

|                              | Elder Person       |                  |                     | Elder Couple       |                  |                     |
|------------------------------|--------------------|------------------|---------------------|--------------------|------------------|---------------------|
|                              | Owner w/o mortgage | Owner w/mortgage | Renter, one bedroom | Owner w/o mortgage | Owner w/mortgage | Renter, one bedroom |
| <b>Monthly Expenses</b>      |                    |                  |                     |                    |                  |                     |
| Housing                      | \$383              | \$1,644          | \$871               | \$383              | \$1,644          | \$871               |
| Food                         | 242                | 242              | 242                 | 452                | 452              | 452                 |
| Transportation               | 214                | 214              | 214                 | 299                | 299              | 299                 |
| Health Care (Good Health)    | 390                | 390              | 390                 | 781                | 781              | 781                 |
| Miscellaneous @ 20%          | 246                | 246              | 246                 | 383                | 383              | 383                 |
| <b>Elder Index Per Month</b> | <b>\$1,475</b>     | <b>\$2,735</b>   | <b>\$1,962</b>      | <b>\$2,297</b>     | <b>\$3,558</b>   | <b>\$2,785</b>      |

For the complete report, methodology or other counties visit:  
[http://www.healthpolicy.ucla.edu/elder\\_index12jan.aspx](http://www.healthpolicy.ucla.edu/elder_index12jan.aspx)

For more information about the California Elder Economic Security Initiative™ program visit:  
<http://www.insightccd.org/communities/cfess/cal-eesi.html>

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# Inyo County, CA 2010 Elder Economic Security Standard™ Index

Elder Index Per Year, Annual Comparisons, and Basic Monthly Expenses for Selected Household Types

## Elder Index Per Year

|   | Elder Person       |                  |                     | Elder Couple       |                  |                     |
|---|--------------------|------------------|---------------------|--------------------|------------------|---------------------|
|   | Owner w/o mortgage | Owner w/mortgage | Renter, one bedroom | Owner w/o mortgage | Owner w/mortgage | Renter, one bedroom |
| <b>Income Needed to Meet Basic Needs</b><br>(based on monthly expenses shown below)   | <b>\$17,659</b>    | <b>\$29,182</b>  | <b>\$20,078</b>     | <b>\$27,529</b>    | <b>\$39,052</b>  | <b>\$29,949</b>     |
| <b>Annual Comparison Amounts</b>  |                    |                  |                     |                    |                  |                     |
| <b>Federal Poverty Guideline (2010 DHHHS)</b>   | \$10,830           | \$10,830         | \$10,830            | \$14,570           | \$14,570         | \$14,570            |
| <b>% of Federal Poverty</b><br>(Elder Index divided by (i) Federal Poverty Guideline) | 163%               | 269%             | 185%                | 189%               | 268%             | 206%                |
| <b>SSI Payment Maximum, California 2010</b>   | \$10,140           | \$10,140         | \$10,140            | \$16,886           | \$16,886         | \$16,886            |
| <b>SSI Income Gap</b><br>(SSI Payment Maximum minus (-) Elder Index)                  | <b>-\$7,519</b>    | <b>-\$19,042</b> | <b>-\$9,938</b>     | <b>-\$10,643</b>   | <b>-\$22,166</b> | <b>-\$13,062</b>    |
| <b>Median Social Security Payment 2009</b>  | \$11,924           | \$11,924         | \$11,924            | \$20,768           | \$20,768         | \$20,768            |
| <b>Soc Sec Income Gap</b><br>(Average Social Security Payment minus (-) Elder Index)  | <b>-\$5,735</b>    | <b>-\$17,258</b> | <b>-\$8,154</b>     | <b>-\$6,761</b>    | <b>-\$18,284</b> | <b>-\$9,181</b>     |

### \*Basic Monthly Expenses Used to Calculate Elder Index

|                              | Elder Person       |                  |                     | Elder Couple       |                  |                     |
|------------------------------|--------------------|------------------|---------------------|--------------------|------------------|---------------------|
|                              | Owner w/o mortgage | Owner w/mortgage | Renter, one bedroom | Owner w/o mortgage | Owner w/mortgage | Renter, one bedroom |
| <b>Monthly Expenses</b>      |                    |                  |                     |                    |                  |                     |
| Housing                      | \$380              | \$1,341          | \$582               | \$380              | \$1,341          | \$582               |
| Food                         | 242                | 242              | 242                 | 452                | 452              | 452                 |
| Transportation               | 214                | 214              | 214                 | 299                | 299              | 299                 |
| Health Care (Good Health)    | 390                | 390              | 390                 | 781                | 781              | 781                 |
| Miscellaneous @ 20%          | 245                | 245              | 245                 | 382                | 382              | 382                 |
| <b>Elder Index Per Month</b> | <b>\$1,472</b>     | <b>\$2,432</b>   | <b>\$1,673</b>      | <b>\$2,294</b>     | <b>\$3,254</b>   | <b>\$2,496</b>      |

For the complete report, methodology or other counties visit:  
[http://www.healthpolicy.ucla.edu/elder\\_index12jan.aspx](http://www.healthpolicy.ucla.edu/elder_index12jan.aspx)

For more information about the California Elder Economic Security Initiative™ program visit:  
<http://www.insightccd.org/communities/cfess/cal-eesi.html>

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## Income Distribution by Community

### 2012 ESAAA Needs Assessment, PSA 16

The following chart shows income distribution for Needs Assessment respondents from communities in Planning and Service Area 16. Because of the Governing Board's policy decision to view needs across the region, and consistent with the Older Americans Act and Older Californians Act, the responses are displayed by community. The income category options on the Needs Assessment do not match Federal Poverty Limit (FPL) guidelines exactly, but a summary of the *approximate* FPL ranges are provided following the chart below.

#### Needs Assessment Respondents by Annual Income, January 2012

| Federal Poverty Limit | FPL Income Breakdown | Income Breakdown from Needs Assessment | Bishop | Lone Pine | Inyo Unidentified | Walker/ Coleville | Big Pine | Tecopa/ Shoshone | Bridgeport | Benton | Mono Unidentified | Aspendell/ Bishop Creek/ Starlite | Chalfant Valley | Independence | June Lake | Olancho/ Cartago | Mammoth Lakes | Keeler/ Darwin | Furnace Creek | Lee Vining   | Swall Meadows/ Paradise/ Sunny Slopes | Charleston View | TOTAL | % of Total Responses |
|-----------------------|----------------------|--|--------|-----------|-------------------|-------------------|----------|------------------|------------|--------|-------------------|-----------------------------------|-----------------|--------------|-----------|------------------|---------------|----------------|---------------|--------------|---------------------------------------|-----------------|-------|----------------------|
| 100%                  | 0-\$11,170           | under \$10,000                         | 9      | 5         | 3                 | 3                 | 3        | 2                | 3          | 0      | 1                 | 1                                 | 0               | 0            | 0         | 0                | 0             | 1              | no responses  | no responses | no responses                          | no responses    | 31    | 12.9%                |
| 125%                  | \$11,170-13,963      | 10,000-15,000                          | 15     | 13        | 0                 | 6                 | 4        | 3                | 2          | 2      | 1                 | 0                                 | 0               | 0            | 0         | 0                | 0             | 0              | responses     | responses    | responses                             | responses       | 46    | 19.1%                |
| 135%                  | \$13,963-15,080      |  |        |           |                   |                   |          |                  |            |        |                   |                                   |                 |              |           |                  |               |                |               |              |                                       |                 |       |                      |
| 150%                  | \$15,080-16,755      | 15,000-20,000                          | 7      | 3         | 2                 | 3                 | 1        | 3                | 0          | 0      | 1                 | 0                                 | 0               | 1            | 1         | 0                | 0             | 0              |               |              |                                       |                 | 22    | 9.1%                 |
| 200%                  | \$16,755-22,340      |  |        |           |                   |                   |          |                  |            |        |                   |                                   |                 |              |           |                  |               |                |               |              |                                       |                 |       |                      |
| 300%                  | \$22,340-33,510      | 20,000-30,000                          | 7      | 2         | 5                 | 1                 | 3        | 2                | 1          | 1      | 1                 | 0                                 | 0               | 1            | 0         | 0                | 0             | 0              |               |              |                                       |                 | 24    | 10.0%                |
| 400%                  | \$33,510-44,680      | 30,000-50,000                          | 17     | 2         | 2                 | 1                 | 1        | 1                | 0          | 2      | 0                 | 1                                 | 2               | 0            | 0         | 0                | 0             | 0              |               |              |                                       |                 | 29    | 12.0%                |
| >400%                 | >\$44,680            | 50,000-75,000                          | 13     | 2         | 2                 | 1                 | 1        | 2                | 0          | 0      | 0                 | 1                                 | 0               | 0            | 0         | 0                | 0             | 0              |               |              |                                       |                 | 22    | 9.1%                 |
|                       |                      | over \$75,000                          | 12     | 0         | 7                 | 0                 | 1        | 0                | 0          | 0      | 1                 | 1                                 | 0               | 0            | 0         | 1                | 0             | 0              |               |              |                                       |                 | 23    | 9.5%                 |
|                       |                      | Declined to respond                    | 21     | 3         | 8                 | 2                 | 2        | 2                | 1          | 1      | 1                 | 1                                 | 1               | 0            | 0         | 0                | 1             | 0              |               |              |                                       |                 | 44    | 18.3%                |
|                       |                      | Total Responses                        | 101    | 30        | 29                | 17                | 16       | 15               | 7          | 6      | 6                 | 5                                 | 3               | 2            | 1         | 1                | 1             | 1              | 0             | 0            | 0                                     | 0               | 241   |                      |

Source: 2012 IMAAA Needs Assessment Survey

## **Approximate Annual Income per FPL Range by Community, PSA 16**

**Bishop:** There were 101 total responses from the community of Bishop. Of those, 21 people declined to state their income. Of the remaining 80 responses, 9 had an income below 100% FPL (under \$11,170), 15 had income between 125%-135% FPL (\$11,170-\$15,080), 7 had income between 150%-200% FPL (\$15,080-\$22,340), 7 had income at 300% FPL (\$22,340-\$33,510), 17 had income at 400% FPL (\$33,510-\$44,680), and 25 had income in excess of 400% FPL (>\$50,000).

**Lone Pine:** There were 30 total responses from the community of Lone Pine. Of those, 3 people declined to state their income. Of the remaining 27 responses, 5 had an income below 100% FPL (under \$11,170), 13 had income between 125%-135% FPL (\$11,170-\$15,080), 3 had income between 150%-200% FPL (\$15,080-\$22,340), 2 had income at 300% FPL (\$22,340-\$33,510), 2 had income at 400% FPL (\$33,510-\$44,680), and 2 had income in excess of 400% FPL (>\$50,000).

**Unidentified Inyo County Community:** There were 29 Needs Assessments returned by people in Inyo County who did not identify which community they live in. Of those respondents, 8 people declined to state their income. Of the remaining 21 responses, 3 had an income below 100% FPL (under \$11,170), 2 had income between 150%-200% FPL (\$15,080-\$22,340), 5 had income at 300% FPL (\$22,340-\$33,510), 2 had income at 400% FPL (\$33,510-\$44,680), and 9 had income in excess of 400% FPL (>\$50,000).

**Walker/Coleville:** There were 17 total responses from the community of Walker/Coleville. Of those, 2 people declined to state their income. Of the remaining 15 responses, 3 had an income below 100% FPL (under \$11,170), 6 had income between 125%-135% FPL (\$11,170-\$15,080), 3 had income between 150%-200% FPL (\$15,080-\$22,340), 1 had income at 300% FPL (\$22,340-\$33,510), 1 had income at 400% FPL (\$33,510-\$44,680), and 1 had income in excess of 400% FPL (>\$50,000).

**Big Pine:** There were 16 total responses from the community of Big Pine. Of those, 2 people declined to state their income. Of the remaining 14 responses, 3 had an income below 100% FPL (under \$11,170), 4 had income between 125%-135% FPL (\$11,170-\$15,080), 1 had income between 150%-200% FPL (\$15,080-\$22,340), 3 had income at 300% FPL (\$22,340-\$33,510), 1 had income at 400% FPL (\$33,510-\$44,680), and 2 had income in excess of 400% FPL (>\$50,000).

**Tecopa/Shoshone:** There were 15 total responses from the communities of Tecopa and Shoshone. Of those, 2 people declined to state their income. Of the remaining 13 responses, 2 had an income below 100% FPL (under \$11,170), 3 had income between 125%-135% FPL (\$11,170-\$15,080), 3 had income between 150%-200% FPL (\$15,080-\$22,340), 2 had income at 300% FPL (\$22,340-\$33,510), 1 had income at 400% FPL (\$33,510-\$44,680), and 2 had income in excess of 400% FPL (>\$50,000).

**Bridgeport:** There were 7 total responses from the community of Bridgeport. Of those, 1 person declined to state his/her income. Of the remaining 6 responses, 3 had an income below 100% FPL (under \$11,170), 2 had income between 125%-135% FPL (\$11,170-\$15,080), 1 had income at 300% FPL (\$22,340-\$44,680), and no respondents reported income at or above 400% FPL (>\$33,510).

**Benton:** There were 6 total responses from the community of Benton. Of those, 1 person declined to state his/her income. Of the remaining 5 responses, 2 had income between 125%-135% FPL (\$11,170-\$15,080), 1 had income at 300% FPL (\$22,340-\$33,510), and 2 had income at 400% FPL (\$33,510-\$44,680).

## Income Distribution by County and Community, 2012 IMAAA Needs Assessment

Unidentified Mono County Community: There were 6 Needs Assessments returned by people in Mono County who did not identify which community they live in. Of those respondents, 1 person declined to state his/her income. Of the remaining 5 responses, 1 had an income below 100% FPL (under \$11,170), 1 had income between 125%-135% FPL (\$11,170-\$15,080), 1 had income between 150%-200% FPL (\$15,080-\$22,340), 1 had income at 300% FPL (\$22,340-\$33,510), and 1 had income in excess of 400% FPL (>\$50,000).

Aspendell/Bishop Creek/Starlite: There were 5 total responses from these communities. Of those, 1 person declined to state his/her income. Of the remaining 4 responses, 1 had an income below 100% FPL (under \$11,170), 1 had income at 400% FPL (\$33,510-\$44,680), and 2 had income in excess of 400% FPL (>\$50,000).

Chalfant Valley: There were 3 responses from the community of Chalfant Valley. Of those, 2 reported income at 400% FPL (\$33,510-\$44,680), and 1 declined to report his/her income.

Independence: There were 2 responses from the community of Independence. Of those, 1 had income between 150%-200% FPL (\$15,080-\$22,340), and 1 had income at 300% FPL (\$22,340-\$33,510).

June Lake: There was 1 Needs Assessment returned from the community of June Lake. That respondent reported an income of approximately 150%-200% FPL (\$15,080-\$22,340).

Olancha/Cartago: There was one Needs Assessment returned from the communities of Olancha and Cartago. That respondent reported income in excess of 400% FPL (>\$50,000).

Mammoth Lakes: There was 1 Needs Assessment returned from the community of Mammoth Lakes. That respondent declined to report his/her income.

Keeler/Darwin: There was one Needs Assessment returned from the communities of Keeler and Darwin. That respondent reported income below 100% FPL (under \$11,170).

There were no Needs Assessments returned for the communities of Lee Vining, Swall Meadows/Paradise/ Sunny Slopes, Furnace Creek, or Charleston View.



**AGENDA REQUEST FORM**  
 BOARD OF SUPERVISORS  
 COUNTY OF INYO

For Clerk's Use Only:  
**AGENDA NUMBER**  
 17-18-19  
 20-21-22

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

**FROM: COUNTY COUNSEL**

**FOR THE BOARD MEETING OF: AUGUST 28, 2012**

**SUBJECT: ISSUES TO BE DISCUSSED IN CLOSED SESSION**

**DEPARTMENTAL RECOMMENDATION:**

**CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code § 54957.6].** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Deputy Sheriff's Association (DSA) - Negotiators: Labor Relations Administrator, Sue Dishion, Information Services Director, Brandon Shults, and Planning Director Josh Hart.

**CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code § 54957.6].** Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Elected Officials Assistant Association (EOAA) - Negotiators: Chief Probation Officer Jeff Thomson and Labor Relations Administrator Sue Dishion

**CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code § 54957.6].** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Inyo County Correctional Officers Association (ICCOA) - Negotiators: Labor Relations Administrator Sue Dishion.

**CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code § 54957.6].** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: ICEA - Negotiators: Labor Relations Administrator Sue Dishion, Director Child Support Services Susanne Rizo, and Chief Probation Officer Jeff Thomson.

**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.

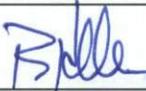
**APPROVALS**

|                 |   |
|-----------------|---|
| COUNTY COUNSEL: | AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i><br><br><div style="text-align: right;">  Approved: _____ Date <u>8.22.12</u> </div> |
|-----------------|---|

**DEPARTMENT HEAD SIGNATURE:**

(Not to be signed until all approvals are received)

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

 Date: 8.22.12