

Agenda

County of Inyo Board of Supervisors

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

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

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

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

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

February 11, 2014

8:30 a.m. 1. PUBLIC COMMENT

CLOSED SESSION

2. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION [Pursuant to Government Code §54956.9(a)]** – Inyo County and Inyo County Probationary Police Officers Association Tim Schumacher SMCS Case No. ARB-13-0116.
3. **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.
4. **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: Information Services Director Brandon Shults and Labor Relations Administrator Sue Dishion.
5. **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: Information Services Director Brandon Shults and Labor Relations Administrator Sue Dishion.
6. **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: Information Services Director Brandon Shults, Chief Probation Officer Jeff Thomson, and Labor Relations Administrator Sue Dishion.
7. **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, and Information Services Director Brandon Shults.
8. **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: Information Services Director Brandon Shults and Labor Relations Administrator Sue Dishion.

9. **REAL PROPERTY NEGOTIATIONS [CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8]** – Property: APN 001-104-11, 556 N. 2nd Street, Bishop, California and APN 001-144-34, 390 Willow Street, Bishop, CA - Negotiating Parties: Kevin Carunchio, County Administrator, Jean Turner, Director of Health and Human Services, and Clint Quilter, Public Works Director – Negotiations: Terms and Conditions.

OPEN SESSION

10:00 a.m. PLEDGE OF ALLEGIANCE

10. **PUBLIC COMMENT**
11. **COUNTY DEPARTMENT REPORTS** (*Reports limited to two minutes*)

CONSENT AGENDA (Approval recommended by the County Administrator)

12. PUBLIC WORKS

Request Board award and approve the Contract for the completion of a Triennial Performance Audit of ESTA to PMC in an amount not to exceed \$11,000 for the period of February 11, 2014 through July 31, 2014, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign.

13. Request Board award and approve the Contract for the Big Pine Town Hall Americans with Disabilities Act (ADA) Ramp Project to Inclusion Solutions in the amount of \$16,090.92; authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained; and authorize the Public Works Director to execute all other Contract documents, including contract change orders, to the extent permitted by Public Contract Code Section 20142 and other applicable law.
14. Request approval of Amendment No. 6 to the Contract between the County of Inyo and Eastern Sierra Engineering for data recovery services for Phase II of the Dehy Park Improvement Project increasing the Contract by \$50,607.78, to a total not to exceed \$338,547.78, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained.

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

15. **HEALTH AND HUMAN SERVICES** – Request Board authorize the blending of job duties, as outlined in the job description of a Social Services-funded Human Service Supervisor position and the ESAAA/IC-Gold Site Manager position in Lone Pine, keeping the classification as a Human Services Supervisor at Range 70 (\$4,221 – \$5,133) as previously authorized.
16. **COUNTY ADMINISTRATOR – Personnel – COUNTY COUNSEL** – Request Board
- A) approve Amendment No. 1 to the Agreement between Atkinson, Andelson, Loya, Ruud & Romo for the provision of legal services to increase the not to exceed amount of the Contract by \$100,000 to a total not to exceed \$200,000; and authorize the Chairperson to sign; (*4/5's vote required*);
- B) amend the FY 2013-14 Sheriff-General Budget Unit 022700 by increasing estimated revenue in AB443 (*Revenue Code #4486*) by \$70,000 and increasing appropriations in Internal Charges (*Object Code #5121*) by \$70,000; (*4/5's vote required*);
- C) amend the FY 2013-14 Personnel Budget Unit 010800 by increasing estimated revenue in Intra County Charges (*Revenue Code #4821*) by \$70,000 and increasing appropriations in Professional Services (*Object Code 5265*) by \$70,000; (*4/5's vote required*); and
- D) amend the FY 2013-14 Personnel Budget Unit 010800 by increasing appropriations in Professional Services (*Object Code #5265*) by \$30,000 and decreasing appropriations in Contingencies (*Object Code #5901*) by \$30,000; (*4/5's vote required*).

17. **PLANNING** – Request Board receive a presentation from staff about coordination with Forest Service staff regarding the Inyo National Forest Plan Update/Revision and provide input.
18. **PLANNING** – Request Board conduct a workshop regarding the draft Zoning Code Update pertaining to Code Enforcement, and provide direction to staff.
19. **CLERK OF THE BOARD** – Request approval of the minutes of the January 28, 2014 Board of Supervisors Meeting.
20. **REPORT ON CLOSED SESSION AS REQUIRED BY LAW.**

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

CORRESPONDENCE - ACTION

BOARD MEMBERS AND STAFF REPORTS

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

21. **PUBLIC COMMENT**

CORRESPONDENCE - INFORMATIONAL



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only: AGENDA NUMBER 12

- Consent Departmental Correspondence Action Public Hearing
 Schedule Time For Closed Session Informational

FROM: Public Works

FOR THE BOARD MEETING OF: February 11, 2014

SUBJECT: Approval of a Contract with PMC for a Triennial Performance Audit of the Eastern Sierra Transit Authority (ESTA) in an amount not to exceed \$11,000 for the period ending July 31, 2014.

DEPARTMENTAL RECOMMENDATION:

Recommend your Board:

1. Award the contract to PMC for the completion of a Triennial Performance Audit of ESTA in an amount not to exceed \$11,000.
2. Authorize the Chairperson to sign the contract contingent upon approval of future contracts.

CAO RECOMMENDATION:

SUMMARY DISCUSSION:

Every three years the Inyo County Local Transportation Commission (LTC) is responsible to fund a performance audit that evaluates the efficiency, effectiveness, and economy of recipients of Transportation Development Act funds. ESTA, as a provider of public transit services, is the only transit provider in both counties that is required to receive a Triennial Performance Audit. This will be the second performance audit conducted of ESTA and will cover the three-year period from when they first went into service, from July 1, 2010 to June 30, 2013.

A Request for Proposals was released on November 18, 2013 and ending on December 31, 2013. Four proposals were received. A consultant selection committee consisting of two representatives from the Inyo LTC, Mono LTC, and ESTA reviewed the proposals and rated PMC as the most qualified consultant. This performance audit will meet Transportation Development Act requirements for both Inyo and Mono Counties. The Mono County LTC Executive Director has agreed to fund 50% of the expense of this performance audit. In exchange for the Inyo County LTC managing the contract for this project, the Mono County LTC has agreed to manage the update of ESTA's Short Range Transit Plan, a grant project that will have a match comparable to the contract amount for the performance audit. Due to the work split, the two parties are not entering into an MOU for the completion of this project.

ALTERNATIVES:

The Board could elect to not approve the Contract or to continue consideration of this to another meeting. The LTC is required to complete the Triennial Performance Audit before July. Postponing consideration of this contract is not recommended as this would make it more difficult to comply with the requirements set forth in the Transportation Development Act.

OTHER AGENCY INVOLVEMENT:

California Department of Transportation Division of Mass Transportation and Mono County LTC (funding of 50% of ESTA Performance Audit)

FINANCING:

Contract payment will be made from Transportation and Planning Budget #504605, Professional Services object code 5265 for the preparation of the Triennial Audit. Payment is contingent upon the approval of the 2014-2015 budget.

<u>APPROVALS</u>	
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: <u>yes</u> Date <u>1/28/2014</u>
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)  Approved: <u>yes</u> Date <u>1/31/2014</u>
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.) Approved: _____ Date _____

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



Date: 2/3/14

ATTACHMENT A

AND PMC AGREEMENT BETWEEN COUNTY OF INYO
FOR THE PROVISION OF Consulting SERVICES

TERM:

FROM: February 11, 2014 **TO:** July 31, 2014

SCOPE OF WORK:

See Attached.

AUDIT PLAN AND TECHNICAL APPROACH

BASIC PURPOSE AND GENERAL FOCUS OF AUDIT

California Public Utilities Code (CPUC) Section 99246 requires that a triennial performance audit be performed of activities of transit operators such as ESTA that receive TDA funds. Beyond the legal requirements and specifications that the performance audit addresses, the assessment is also intended to provide an independent, comprehensive review of the operator's management and use of TDA funds to improve its efficiency, effectiveness, and economy. In addition, the triennial performance audit is designed to assure the legislature, governing boards, and the public that the financial resources of the transit agencies are being effectively and efficiently utilized.

Many operators use the analysis provided by the performance auditor to identify and implement improvements that may not be apparent to internal staff, which is focused on day-to-day operating and administrative issues. Performance and management audits are likewise an important opportunity to point out accomplishments and successful improvements that may have been implemented during the previous three years or are in process.

In short, the triennial performance audit affords management the opportunity to have an independent, constructive, and objective evaluation of their organization and operations that otherwise might not be feasible given the daily demands of managing transportation programs and activities. It is our belief that an audit is a management tool that should underscore successes and point out where improvements in organizational performance may be appropriate.

The audit is required to:

- Determine compliance with statutory and regulatory requirements.
- Assess progress to implement prior performance audit recommendations.
- Evaluate the efficiency and effectiveness of the management and operating functions performed by ESTA in delivering transit services.
- Document findings and recommendations.

The objectives of the performance audit are related to the common goal of utilizing transportation funds in an efficient, cost-effective manner, while simultaneously operating quality transit service. The performance audit is a useful tool for achieving this goal by providing a balanced assessment of the efficiency and effectiveness of transit services. In developing recommendations, the agency's culture, resources, and organizational processes will be considered. With this information as background, the role of the audit must be to ensure that all of the CPUC section requirements are met.

PMC'S ROLE AS AUDITOR

The PMC team, as an independent auditor, will take an unbiased approach to this work program and will provide the professional auditing services necessary to accomplish each task. Our goal is to provide an objective, thorough review using the Caltrans performance audit guidelines as a template in our approach. The RFP contains a description of the performance audit project requirements, and the project team is experienced and prepared to follow these requirements.

We will continue our ongoing working relationships with staff officials from ESTA, ICLTC, and MCLTC, either through interviews at their offices or in communications via phone, mail, and e-mail. For the performance audit, we would suggest assistance in the collection of pertinent data sources and identification of key staff for interviews. As personal interaction is a key ingredient in successfully completing the performance audit, we will be sensitive to the schedules of the agencies and anticipate when interviews are necessary. We conduct thorough interviews with stakeholders in our performance audit projects as standard practice and will bring this experience to the audit process.

TECHNICAL APPROACH

PMC proposes a clearly defined work plan, which we believe addresses the dual needs of meeting all audit requirements and providing substantive value to ICLTC, MCLTC, and ESTA. Our work program specifies the data elements to be sampled, documents to be reviewed, techniques that will be used, and administrative and operational management expertise that will be employed.

TASK 1: KICKOFF, INTERVIEWS, AND SITE VISIT

Objective: Conduct kickoff meeting (via teleconference) to communicate audit efforts, understand project expectations and performance trends, and answer questions. Develop list of specific documents to be provided by LTCs and ESTA. Conduct on-site field visits and interviews with LTC and transit operator staff as part of the performance audit assessment.

Approach: We will work with the ICLTC project manager and ESTA to coordinate and schedule a site visit and in-person meetings to meet with transit staff at their facility. This effort will complement the document review process in performing the detailed transit assessment per the TDA audit requirements. We will also create a list of data needs and documents that traditionally have been used to help create a background assessment of the transit operator's performance and compliance over the past three years.

The background data and preliminary analysis will serve as a basis for the audit process and site visits. An interview guide will be developed and utilized to help focus discussions with transit staff and maximize the effectiveness of time spent. Potential topics for discussion include:

- Data collection and reporting processes.
- Performance trends and factors influencing trends.
- Accomplishments and challenges.

At a minimum, the types of information for the three-year period will include:

- 1) TDA and state transit assistance (STA) claims
- 2) State Controller's transit operator reports
- 3) Annual budgets and financial and compliance audits
- 4) CHP Safety Compliance Report/Terminal Record Update, Carrier Inspection, and Equipment Inspection Report
- 5) MOUs/service provider agreements with other operators and agencies
- 6) Performance productivity reports (e.g., monthly and end-of-year summary)
- 7) Vehicle operations data such as on-time performance, roadcalls, vehicle failures, and customer comments
- 8) Organizational charts, goals, objectives, policies, and procedures
- 9) Updated Short-Range Transit Plan

TASK 2: DETERMINE COMPLIANCE WITH STATUTORY AND REGULATORY REQUIREMENTS, AND WITH PRIOR AUDIT RECOMMENDATIONS

Objective: Review and make a determination as to ESTA's compliance with TDA and related sections of the California Code of Regulations, and with prior audit recommendations.

Approach: During this task, we will focus our activities in the following areas.

- Discuss compliance requirements with the transit operator. This first step involves meeting with operator staff and discussing the compliance requirements to ensure that the operator is aware of the compliance requirements. Eleven operator compliance requirements are listed in the most recent version of the Caltrans performance audit guidebook which we will discuss with ESTA.
- Investigate evidence of compliance. Based on the interviews and discussions with transit staff, we will investigate evidence of compliance by collecting pertinent documents and records that show sufficient objective evidence to meet each of the compliance requirements. Evidence of compliance may also be produced from our direct observation of the compliance requirement.
- Disclose results of the compliance review. We will document the methodology and results of the compliance review. The review will ensure that the evidence collected is objective and representative of the activities of the transit operator for the past three years. If we find an indication of noncompliance with any of the requirements, we will make a finding in the audit report, draw conclusions, and make appropriate recommendations.
- In regard to prior audit recommendations, we will collect documents that contain prior recommendations and review the status of these recommendations. We will work with staff to determine the validity of each recommendation in light of the evolving nature of transit operations. Possible key literature includes prior performance audits, recommendations submitted in management memorandums, and other performance evaluation documents. Evidence may be contained in operator reports, memorandums and documents, and performance evaluation documents, or obtained through direct observation.
- We will follow up on the course of action taken by ESTA to implement the recommendations.

If the agency has implemented a recommendation, we will seek data to confirm implementation, discuss the effectiveness and benefits from the recommendation, and discuss difficulties and costs associated with the recommendation.

If the agency is currently implementing a recommendation, we will address the current status of implementation, as well as any difficulties and costs of implementation.

If a recommendation has not been implemented, we will make a determination as to whether the recommendation is (a) no longer applicable, with a clear statement of why; (b) infeasible, with a clear statement of why; or (c) still valid and should be implemented and the benefits that are likely to result. For each determination, we will draw conclusions on the implementation status of these recommendations. If the prior recommendation still deserves merit, we will include the recommendation in the current audit report.

We will document evidence of implementation. Evidence may be contained in operator reports, memorandums and documents, or obtained by direct observation.

TASK 3: VERIFY PERFORMANCE INDICATORS

Objective: Quantify and review the efficiency and effectiveness of ESTA's activities, TDA-required performance measures, and other potential performance indicators if warranted.

Approach: Subtask A: PMC will first review and validate ESTA's collection methods of basic data needed to calculate these indicators. The basic data include operating cost, passenger counts, vehicle service hours, vehicle service miles, employee hours, and fare revenue. This task will be accomplished through tracing and evaluating the steps taken by the operator to report the data. We will review sample driver logs, driver manifests, daily and monthly operator reports, and other pertinent materials where actual performance data is recorded to determine their compliance with the TDA definitions (CPUC 99247).

Additional operations data such as on-time arrival, missed trips, and number of roadcalls and preventable accidents will be included in the review of operational performance. We will discuss this process with the transit operators and identify any issues discovered from our review of the data. If warranted, we will then suggest corrective actions to ensure compliance with the statute.

Subtask B: A triennial performance audit must include the verification of a minimum of five performance measures. CPUC Section 99246(d) requires the following performance indicators:

- Operator's operating cost per passenger.
- Operating cost per vehicle service hour.
- Passengers per vehicle service hour.
- Passengers per vehicle service mile.
- Vehicle service hours per employee as defined in CPUC Section 99247.

Although the farebox recovery ratio is not a required performance indicator under Section 99246(d), Section 99268 et seq. requires that the farebox ratio be calculated so that an operator's eligibility for funding can be determined. We will be attentive to how ESTA calculates its farebox ratios, as reflected in documents such as the state controller's report, TDA claims, and annual fiscal audits.

We will create user-friendly tables to depict the trends over the recent three-year period on a systemwide basis and by mode/type (i.e., fixed route, dial-a-ride). We will contrast these performance trends with other three-year trends that influence transit performance (e.g., Consumer Price Index). We will document the values used for the statistics and indicators, note the amount of change, and determine whether this change represents a positive or negative trend. We will document causal factors for all observed performance trends based on the numerical information and information from the site visits.

In addition to tables, we will provide visual graphic representation via bar/line charts and data labels. The performance trends will provide the symptoms of potential issues that will be reviewed in-depth during the functional review audit, as well as changes in efficiencies and effectiveness.

Other performance indicators to be determined will be calculated if the analysis warrants further examination of a particular performance area of concern that is not covered by any of the five indicators. Any additional performance measures that will be developed are intended to be useful and help determine trends in service. Additional functional area performance indicators, such as on-time performance, ratio of complaints to riders, and vehicle breakdowns that pertain directly to service efficiency and effectiveness during the audit period, will be developed as necessary.

Each piece of basic data can be influenced by a series of interrelated variables in transit operations. Therefore, the calculation and analysis of the above performance indicators may point out potential issues or concerns that may need further investigation during the next task, which will examine the operator functions. We will select and use the appropriate performance indicators to identify, quantify, and/or resolve performance problems and potential areas for improvement.

TASK 4: OPERATOR FUNCTIONAL REVIEWS

Objective: Review the various functions and investigate potential functional concerns, problems, and possible improvements while also highlighting recent accomplishments.

Approach: The review of operator functions can be divided into two parts — an initial review and a detailed review. The initial review will provide an understanding of ESTA's characteristics and the functions performed. Operator characteristics include general data such as a description of the entity providing service, legal status (i.e., JPA), mode of service (bus, van, general public, specialized, etc.), type of service (fixed-route

and demand response), and size of operations. PMC will review pertinent documents such as transit plans and staff reports in addition to conducting discussions with appropriate transit staff to obtain a clear view of the general functions of each of the audited transit systems.

The detailed review can be divided into the various functions of a transit operator. The functions are consistent with the Caltrans performance audit guidebook and include management and organization, operations, service planning, maintenance, financial planning and control, and marketing and public relations. Each function, in turn, can be broken into several sub-functional areas. For example, maintenance sub-functions include preventive maintenance, sufficiency of facility, vehicle conditions, and parts procurement. Likewise, operations can be separated into sub-functions such as dispatch, operations, on-time performance, and driver training. We will utilize various data means to perform the assessment, including interviews with transit staff and management, in-house data collection, annual productivity reports, surveys and public input, transit plans, and other materials presented to the ESTA Board of Directors.

We will describe the improvements and changes made over the past three years in each of the functions. We will also identify any functional concerns and evaluate them using such methods as calculating additional performance indicators that would be applicable to the functional concern. Our site visits and interviews, as well as other documents collected during the audit process, will help with describing the service changes or performance concerns.

From the functional review, we will then endeavor to provide a set of clear and concise recommendations for improvement. Depending on the operator function, the recommendations will be prioritized and may range from managerial improvements to operational efficiencies to financial controls. We are prepared to bring a fresh, objective approach to the audit and conduct the work as prescribed in state law.

TASK 5: REVIEW FORMATION DOCUMENTS

Objective: Compare the operation of the Eastern Sierra Transit Authority with the goals set forth in the Transit Authority Joint Powers Agreement.

Approach: We will review the formation documents of ESTA. The JPA includes language specifying the duties and responsibilities of ESTA that are granted by the member local jurisdictions. Article II specifies the powers and duties of the agency's management including for the executive director. Article III specifies the agency's purpose, powers, and duties, while Article IV specifies its funding role including directly claiming TDA funds and applying for state and federal grants.

We will review the listing of duties and powers contained in the JPA, discuss these with transit staff, and compare against actual operating activities. The review will be conducted in the context of validating ESTA's

provision of public transportation in an effective and efficient manner. The formation documents help to define the role of ESTA in service delivery, service planning, reporting, funding, and administration. A table matrix will be developed in a user-friendly format that presents the comparison of operations against the JPA goals. Findings from the comparison will be highlighted and summarized with recommendations made as appropriate.

TASK 6: PREPARE ADMINISTRATIVE DRAFT AND FINAL PERFORMANCE AUDIT REPORTS

Approach: The preparation of the administration draft report will follow industry auditing standards referenced in the RFP and report on the objectives, approach, and findings from the above tasks.

We will provide an electronic PDF copy by mid-May 2014 for review and comment. After we have received comments, we will prepare the final report scheduled for completion by June 30, 2014. We will provide the requisite number of final audit reports plus one electronic PDF file upon discussion with ICLTC, MCLTC and ESTA. We will be available to make a presentation of the final report to the governing board of ESTA by July 31, 2014.

SCHEDULE OF TASKS

The project schedule below shows the general duration of each task for the triennial performance audit. As described in the RFP, it is assumed that the project will kick off by January 31, 2014, and be completed by July 31, 2014.

Task Description	Jan/February	March	April	May	June	July
Task 1: Kickoff, Interviews, and Site Visit	+					
Task 2: Determine Compliance with Statutory Requirements and Prior Audit Recommendations						
Task 3: Verify Performance Indicators						
Task 4: Operator Functional Reviews						
Task 5 Review Formaton documents					Draft 05/19/14	Final 06/30/14
Task 6 Prepare Admin Draft and Final Audit Report					★	★
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ATTACHMENT B

AND PMC **AGREEMENT BETWEEN COUNTY OF INYO**
FOR THE PROVISION OF Consulting **SERVICES**

TERM:

FROM: February 11, 2014 **TO:** July 31, 2014

SCHEDULE OF FEES:

See attached.

COST PROPOSAL

PMC proposes a total not-to-exceed cost of **\$11,000** to conduct the performance audit of ESTA. A detailed cost proposal by task is shown. A rate schedule showing fully burdened hourly rates by staff is also provided per the RFP requirements

Task	PMC Team Staff Hours/Fully Burdened Rate						Total Hours	Total Budget
	D. Wong Project Manager		R. Williams Associate		PMC Admin			
	Hours	\$140	Hours	\$95	Hours	\$70		
Task 1: Kickoff, Interviews, and Site Visit	10	\$1,400	0	\$0	0	\$0	10	\$1,400
Task 2: Determine Compliance with Statutory Requirements and Prior Audit Recommendations	2	\$280	3	\$285	0	\$0	5	\$565
Task 3: Verify Performance Indicators	2	\$280	4	\$380	0	\$0	6	\$660
Task 4: Operator Functional Reviews	10	\$1,400	12	\$1,140	0	\$0	22	\$2,540
Task 5: Review Formation Documents	3	\$420	1	\$95	0	\$0	4	\$515
Task 6: Prepare Draft/Final Audit Report and Presentation	22	\$3,080	12	\$1,140	2	\$140	36	\$4,360
Subtotal Labor Hours and Cost	49	\$6,860	32	\$3,040	2	\$140	83	\$10,040
Other Direct Costs								
Travel								\$700
Production								\$125
Mail								\$48
Subtotal ODCs								\$873
PMC 10% Markup								\$87
Total Other Direct Costs								\$960
Total ESTA Audit								\$11,000





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

13

FROM: Public Works Department

FOR THE BOARD MEETING OF: February 11, 2014

SUBJECT: Award of the construction contract for the Big Pine Town Hall Americans with Disabilities Act (ADA) Ramp Project.

DEPARTMENTAL RECOMMENDATIONS:

1. Award the construction contract for the project to Inclusion Solutions, Evanston, Illinois, in the amount of \$16,090.92;
2. Authorize the chairperson to execute the contract, contingent upon obtaining appropriate signatures; and,
3. Authorize the Public Works Director to execute all other contract documents, including contract change orders, to the extent permitted by Public Contract Code Section 20142 and other applicable law.

CAO RECOMMENDATION:

SUMMARY DISCUSSION:

On November 26, 2013, Public Works received authorization from your Board to advertise and receive bids for the Big Pine Town Hall ADA Ramp Project, which includes the purchase and installation of an aluminum ADA compliant ramp and landing. A single bid was received by the Assistant Board Clerk's office and opened on January 15, 2014. This bid was reviewed by County Counsel's office and deemed responsive to the bid documents. The submitted bid was from Inclusion Solution, in the amount of \$16,090.92, which was 13% lower than the engineer's estimate of \$18,500. Public Works Department is therefore recommending the Board award the bid to Inclusion Solutions, in a total contract amount of \$16,090.92. The County Recorder's budget will provide funding for reimbursement payments to complete all of the work.

Public Works is assisting the Inyo County Elections Department, who has been awarded a Help America Vote Act (HAVA) Accessibility Grant from the California Secretary of State in the amount of \$30,000. This project will construct a custom built ADA ramp for the front (northerly) entrance of Big Pine Town Hall. The project will benefit Inyo County by providing ADA compliance for entering this public building. If the funds are not used prior to July 1, 2014, they will no longer be available.

ALTERNATIVES:

The Board could choose not to approve the construction contract for the Big Pine Town Hall ADA ramp Project. This is not recommended as there is sufficient grant funding available for this work and these funds must be expended by July 1, 2014.

OTHER DEPARTMENT/AGENCY INVOLVEMENT:

The Public Works Department for the development of the plans, specifications, and bid packages;
The Auditor's Office for payments to the contractor after the contract is awarded; and,
County Counsel to review and approve the contract documents.

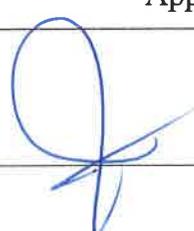
FINANCING:

The funding for this project will be provided by the HAVA Polling Place Accessibility Surveyor Training Program, under FY 2013/14 & 2014/15, Object Code No. 023401, Project No/Grant 13G26109, in an amount not to exceed \$30,000. Sufficient funds to cover project expenditures are available in the County Recorder's budget. Reimbursements from the program Grant funds will be forwarded from the Secretary of state and will be in the 2013/14 & 2014/15 Preliminary Recorder's Budget as per the contract agreement.

APPROVALS

COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by County Council prior to submission to the board clerk.)
	Approved: <input checked="" type="checkbox"/> Date 1/29/14
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor/controller prior to submission to the board clerk.)
	Approved: <u>yes</u> Date 1/29/2014
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: 1/29/14

COUNTY OF INYO BID TABULATION

Project Title & Bid No. Big Pine Town Hall Ramp Project

Bid Opening Date: 6-15-14 Location: County Admin Center

	BIDDER NAME	Bid Amount A	Bid Amount B	Bid Amount C	Bond
1.	Inclusion Solutions	\$16,090.92			
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

Opened By: Patricia Gansalley

Present: Jim Seton
Denise Hayden





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 14

FROM: Public Works Department

FOR THE BOARD MEETING OF: February ¹¹~~4~~, 2014

SUBJECT: Approval of Amendment No. 6 to the contract for engineering services with Eastern Sierra Engineering (ESE), of Reno, Nevada for Phase II of the Dehy Park Improvement Project.

DEPARTMENTAL RECOMMENDATIONS:

1. Request your Board approve Amendment No. 6 to County of Inyo Standard Contract No. 156 between the County of Inyo and Eastern Sierra Engineering for data recovery services in an amount not to exceed \$50,607.78 for Phase II of the Dehy Park Improvement Project increasing the total contract amount from \$287,940.00 to \$338,547.78;
2. Authorize the chairperson to execute Amendment No. 6, contingent upon obtaining appropriate signatures, and upon adoption of future budgets.

CAO RECOMMENDATION:

SUMMARY DISCUSSION: (Internal Project Number 03-001)

The Public Works Department recently awarded a contract to ESE to provide engineering services for various Public Works projects on an as-needed basis. ESE provided services for the initial cultural resource studies for the Sunland Drive Bicycle Lanes Project, engineering and environmental feasibility studies for the proposed See Vee Lane Extension Project, and geotechnical investigation services for the Bishop-Sunland Landfill Truck Scale Project. Amendment No. 6 to ESE's contract is for data recovery services for Phase II of the Dehy Park Improvement Project. Data recovery consists of the retrieval, analysis, and curation of significant cultural resources encountered at the park.

RMT of San Mateo, California (now Panorama Environmental of San Francisco, California (Panorama)) started work on the project during December 2005, and completed an Initial Study in compliance with the California Environmental Quality Act (CEQA) during June 2006. Construction of Phase I of the project began during November 2006, and was completed during February 2007. Phase 1 expanded the western portion of the park located south of Independence Creek and west of Mary Alley.

During the archaeological investigation conducted during Phase I of the project, sensitive cultural resources were encountered that delayed the completion of the federal National Environmental Protection Act (NEPA) process that was needed for Phase II of the project. The NEPA document was approved on January 18, 2012. Engineering funding for the project, which will fund the data recovery activities, was approved on September 18, 2013.

Panorama is now a subconsultant to ESE, therefore, Panorama will continue to provide data recovery services for the project under their contract with ESE. ESE's estimated fee for these services is \$50,607.78. After data recovery is completed, it is expected that the engineering and construction phases of the project will be completed by June 2016.

Because data recovery is required as a condition of approval of the NEPA document for the project, it is recommended that your Board approve Amendment No. 6 with ESE.

ALTERNATIVES:

The Board could choose not to approve Amendment No. 6 to the contract with ESE. This is not recommended because the Public Works Department would need to advertise for a consultant to perform Phase II recovery activities, which has the potential to further delay the project. Additionally, Panorama has extensive experience with the nature of the cultural resources at the park.

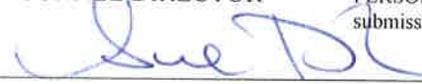
OTHER AGENCY INVOLVEMENT:

The auditor's office to make payments to ESE
County Counsel to review Amendment No. 6 and this agenda item
Caltrans to reimburse the county for project costs as described below

FINANCING:

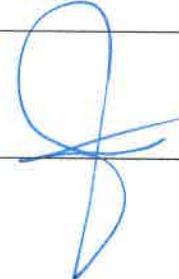
This project is being financed through the TE program. The Federal funds available for reimbursement constitute 88.53% of the eligible costs, with the remaining 11.47% of eligible costs funded by Toll Credits. ESE's costs will be paid through Budget Unit 670105, Dehy Park Grant Projects, Object Code 5265, Professional and Special Services.

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: <u>yes</u> Date <u>1/29/2014</u>
AUDITOR/CONTROLLER 	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor/controller prior to submission to the board clerk.) Approved: <u>yes</u> Date <u>1/20/14</u>
PERSONNEL DIRECTOR 	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.) Approved: <u>✓</u> Date <u>2/3/14</u>

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)

 Date: 1/30/14

**AMENDMENT NUMBER 6 TO
AGREEMENT BETWEEN THE COUNTY OF INYO AND
Eastern Sierra Engineering
FOR THE PROVISION OF ENGINEERING SERVICES
FOR PHASE II OF THE DEHY PARK IMPROVEMENT PROJECT**

WHEREAS, the County of Inyo (hereinafter referred to as "County") and Eastern Sierra Engineering of Reno, Nevada (hereinafter referred to as "Consultant"), have entered into an Agreement for the Provision of engineering services dated June 15, 2012, on County of Inyo Standard Contract No. 156, for the term from June 15, 2012 to June 15, 2015.

WHEREAS, County and Consultant 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 Consultant hereby amend such Agreement as follows:

1. Section 3D, Limit upon amount payable under Agreement. The first sentence is revised as follows:

"The total sum of all payments made by the County to Consultant for services and work performed under this Agreement shall not exceed Three Hundred Thirty-Eight Thousand, Five Hundred Forty-Seven Dollars and Seventy-Eight Cents (\$338,547.78) (hereinafter referred to as "Contract limit")."
2. Attachment A to the Contract, Scope of Work, shall be revised to include the additional tasks required for data recovery services for Phase II of the Dehy Park Improvement Project as described in Eastern Sierra Engineering's (ESE's) proposal entitled *Data Recovery, Dehy Park Improvement*, dated November 20, 2013. The scope of work is described in detail in Chapter 4 of ASM Affiliates (*Data Recovery Plan for CA-INY-5761/H at Dehy Park, Independence, Inyo County California*), which are included in Attachment A-6 to the Contract.
3. The rates for the scope of work described in Attachment A-6 to the Contract shall be the rates described in ESE's subconsultant's (Panorama Environmental, Inc.'s [Panorama's]) proposal dated November 20, 2013, which is included in Attachment A-6 to the Contract.

The effective date of this amendment to the Agreement is February 4, 2014.

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

**AMENDMENT NUMBER 6 TO
AGREEMENT BETWEEN THE COUNTY OF INYO AND
Eastern Sierra Engineering
FOR PHASE II OF THE DEHY PARK IMPROVEMENT PROJECT**

IN WITNESS THEREOF, THE PARTIES HERETO HAVE SET THEIR HANDS AND SEALS THIS
____ DAY OF _____, 2014.

COUNTY OF INYO

By: _____

Dated: _____

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

CONSULTANT

By:  _____

Dated: 1/29/14 _____

Taxpayer's Identification Number:

20-0986439 _____

**AMENDMENT NUMBER 6 TO
AGREEMENT BETWEEN THE COUNTY OF INYO AND
Eastern Sierra Engineering
FOR THE PROVISION OF ENGINEERING SERVICES
FOR PHASE II OF THE DEHY PARK IMPROVEMENT PROJECT**

IN WITNESS THEREOF, THE PARTIES HERETO HAVE SET THEIR HANDS AND SEALS THIS
____ DAY OF _____, 2014.

COUNTY OF INYO

CONSULTANT

By: _____

By: _____

Dated: _____

Dated: _____

Taxpayer's Identification Number:

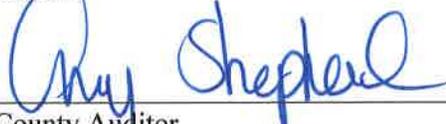
APPROVED AS TO FORM AND
LEGALITY:

20-0986439



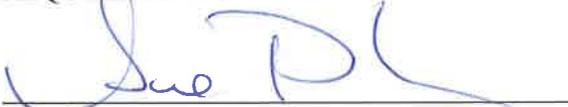
County Counsel

APPROVED AS TO ACCOUNTING
FORM:



County Auditor

APPROVED AS TO PERSONNEL
REQUIREMENTS:



Director of Personnel Services

APPROVED AS TO RISK ASSESSMENT:



County Risk Manager

ATTACHMENT A-6
AGREEMENT BETWEEN THE COUNTY OF INYO AND
Eastern Sierra Engineering
FOR THE PROVISION OF ENGINEERING SERVICES
FOR PHASE II OF THE DEHY PARK IMPROVEMENT PROJECT

TERM:

FROM: June 15, 2012 **TO:** June 15, 2015

SCOPE OF WORK:

The scope of work described in the original Contract, dated June 15, 2012, shall be revised to include the additional tasks required for data recovery services for Phase II of the Dehy Park Improvement Project as described in ESE's subconsultant's (Panorama Environmental, Inc.'s) proposal, dated November 20, 2013, which is included in this Attachment A-6 to this Amendment No. 6.

The scope of work is described in detail in Chapter 4 of ASM Affiliates' (ASM's) (*Data Recovery Plan for CA-INY-5761/H at Dehy Park, Independence, Inyo County California*), which is also included in this Attachment A-6 to this Amendment No. 6. ASM is Panorama's subconsultant for archaeological studies for this project.

County of Inyo Standard Contract – No. 156
Amendment 6
Attachment A-6



CIVIL ENGINEERING & CONSTRUCTION SERVICES

main: 775.828.7220
fax: 775.828.7221
4515 Towne Drive
Reno, NV 89521-9696
www.esengr.com

November 20, 2013

13.1.42

Lynn Flanigan, P.E.
Senior Engineer
Inyo County Public Works Department
P.O. Box Q
Independence, CA 93526

**Data Recovery
Dehy Park Improvement Project**

Dear Lynn,

Eastern Sierra Engineering (ESE) is pleased to provide this proposal to complete the cultural fieldwork pursuant to Section 106 of the National Historic Preservation Act for the Dehy Park Improvement Project. The scope of work will be completed by Panorama Environmental (our Subconsultant) per the attached proposal. Fees for services would be as outlined in Panoram's proposal and are estimated to be \$50,607.78.

We trust this provides the information you require at this time. Please do not hesitate to contact me at (775) 828-7220 extension 201 if you have any questions or require additional information.

Sincerely,
Eastern Sierra Engineering, P.C.

Shawn W. Jenkins, P.E.
Principal Engineer

Attachments: Panorama Environmental, Inc. Proposal



November 20, 2013

Shawn Jenkins
Eastern Sierra Engineering
415 Towne Drive
Reno, Nevada 89521

Subject: Scope and Budget Amendment to Perform Data Recovery for the Dehy Park Improvements Project

Dear Shawn,

Panorama has prepared this scope of work and budget amendment in order to complete cultural fieldwork pursuant to Section 106 of the National Historic Preservation Act for the Dehy Park Improvements Project. Panorama team member ASM Affiliates (ASM) conducted several cultural resource studies from 2006 through 2009 and prepared a data recovery plan (Data Recovery Plan for CA-INY-5761/H at Dehy Park) in 2009 for the mitigation of any potential effects to cultural sites found at Dehy Park. The plan was finalized and approved by the California Department of Transportation (Caltrans) in November 2009.

ASM, in coordination with Panorama, would perform the cultural field work, as defined in Section 4 of the Data Recovery Plan for the project. The fieldwork would be performed in December 2013. After completion of fieldwork, ASM would complete the reporting requirements for Caltrans (which is included under our previous scope and budget). Reporting would be the final step in the environmental review for Dehy Park and is expected to be completed by June 2014.

The proposed budget for data recovery fieldwork is \$50,607.78. Please see the attached rate sheet and budget. We look forward to completing the environmental review for the Dehy Park project. Please call me at 650.373.1200, if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Tania Treis".

Tania Treis, Principal
Panorama Environmental, Inc.

Attachments

ATTACHMENT 1: SCHEDULE OF RATES

Schedule of Rates	
Position	Hourly Rate
<i>Panorama Environmental</i>	
Project Manager/Principal	\$170.00
Sr. Environmental Scientist	\$155.00
Environmental Scientist	\$130.00
GIS Specialist	\$120.00
Environmental Analyst	\$100.00
Document Manager	\$90.00
<i>ASM Affiliates*</i>	
Principal	\$128.80
Associate Archaeologist	\$65.55
Assistant Archaeologist	\$55.35
Native American Monitor	\$86.25
GPS/GIS Specialist	\$85.39
Lab Director	\$66.13
Lab Assistant	\$42.70
Editor	\$86.25
Word Processor	\$69.00
Assistant Word Processor	\$53.76

*Panorama markup of 15% on subcontractor labor and direct costs is included in the rates listed here.

ATTACHMENT 2: BUDGET BREAKDOWN

Budget Breakdown			
Labor			
Position	Rate	Units	Total
Principal	\$128.80	82	\$10,561.60
Associate Archaeologist	\$65.55	84	\$5,768.40
Assistant Archaeologist	\$55.35	120	\$6,641.94
Native American Monitor	\$86.25	32	\$2,760.00
GPS/GIS Specialist	\$85.39	16	\$1,366.20
Lab Director	\$66.13	40	\$2,645.00
Lab Assistant	\$42.70	64	\$2,732.77
Editor	\$86.25	8	\$690.00
Word Processor	\$69.00	16	\$1,104.00
Assistant Word Processor	\$53.76	10	\$537.63
Panorama PM	\$170.00	20	\$3,400
Environmental Analyst	\$100	4	\$400
Total Labor			\$38,607.53
Direct Costs			
Mileage	\$569.25		
Per Diem	\$1,293.75		
Lodging	\$2,021.5		
Field Expendables	\$115		
Faunal Analysis	\$1,196		
Obsidian Studies	\$2,443.75		
Radiocarbon Assay	\$1,495		
Curation Fee	\$2,875		
Total Direct Costs	\$12,000.25		
Grand Total	\$50,607.78		

*Panorama markup of 15% on subcontractor labor and direct costs is included in total costs

Data Recovery Plan for CA-INY-5761/H at Dehy Park, Independence, Inyo County, California

Prepared for:

Tom Mills, M.A.
Environmental Branch Chief
Historic Resources Coordinator
California Department of Transportation
500 South Main Street
Bishop, California 93514

Prepared by:

Mark A. Giambastiani

November 2009



121 California Avenue
Reno, Nevada 89509
(775) 324-6789

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Figure 1. Post-Phase I Construction map of Dehy Park (INY-5761/H) with archaeological units, core cultural deposits, and previous and existing structures.	3

1. INTRODUCTION

This document serves as a Data Recovery Plan for a portion of archaeological site CA-INY-5761/H within the boundary of Dehy Park, a public facility located at the junction of Independence Creek and U.S Highway 395 in the town of Independence, Inyo County, California (Figure 1). Dehy Park is built upon land that is owned by the Los Angeles Department of Water and Power but leased and maintained by Inyo County.

The Inyo County Department of Public Works (Inyo County), in cooperation with the California Department of Transportation (Caltrans), has developed a two-phase construction plan to make improvements to the park. Phase I construction work was funded by a Sierra Nevada Cascade grant and was completed in 2008 (see below). The second, Phase II, is funded by a Federal Highway Administration (FHWA) Transportation Enhancement (TE) grant and includes the following proposed improvements: the construction of a concrete walkway on the northeast side of the park from the Slim Princess locomotive to the nearest footbridge, and on the north side of Independence Creek; replacement of the existing footbridge over Independence Creek; the construction of a new Visitor's Center and gazebo. In addition, the existing grass area adjacent to U.S. 395 will be replaced by an asphalt parking lot, and the unimproved alley between the vacant lot and residences will be paved to provide a one-way exit from the new parking lot to Wall Street. The existing parking lot will be replaced with grass, landscape elements, and an irrigation system. New decorative fencing will be installed along the park's boundaries at U.S. 395, along the edges of the vacant lot, and in the vicinity of the new Visitor's Center. This work is scheduled for Spring 2010, following the completion of data recovery work at INY-5761/H.

In advance of any improvements to Dehy Park, Inyo County retained MHA Environmental, Inc. (now RMT, Inc. [RMT]) and ASM Affiliates, Inc. (ASM) to identify the vertical and horizontal extent, composition, and physical integrity of any cultural deposits present within the park. In 2008-2009, RMT completed all environmental studies for Phase I and Phase II improvements, while ASM completed archaeological studies for Phase I construction and initial studies for Phase II construction, the former involving the central area of Dehy Park (Sierra Nevada Cascade grant) and the latter portions of the north bank of Independence Creek and the area in and around the existing parking lot (TEA grant). As a result of these and previous studies, portions of INY-5761/H inside and outside the park have been recommended as contributing elements to the National Register of Historic Places (NRHP) eligibility of the site (Basgall and Delacorte 2003; Giambastiani 2006; Giambastiani et al. 2009). Nonetheless, all of the NRHP-contributing elements of the site were avoided during Phase I construction work. The second phase of improvements will occur on both sides of the creek but primarily in the eastern and northern sections of the park nearest Highway 395.

Initial studies for Phase II improvements to Dehy Park indicate that construction has the potential to pose an Adverse Effect to site INY-5761/H. The site is considered important with respect to the study of late Holocene prehistory in eastern California and, despite having

1. Introduction

suffered physical impacts from twentieth-century use, meets evaluation Criterion D by having the potential to yield valuable scientific information about the prehistoric past. Caltrans has also determined that the Phase II improvements to Dehy Park will constitute a *de minimus* impact (23 CFR 774.14) with the provision that site INY-5761/H is subjected to data recovery to resolve any adverse effects it will endure as a result of the proposed construction.

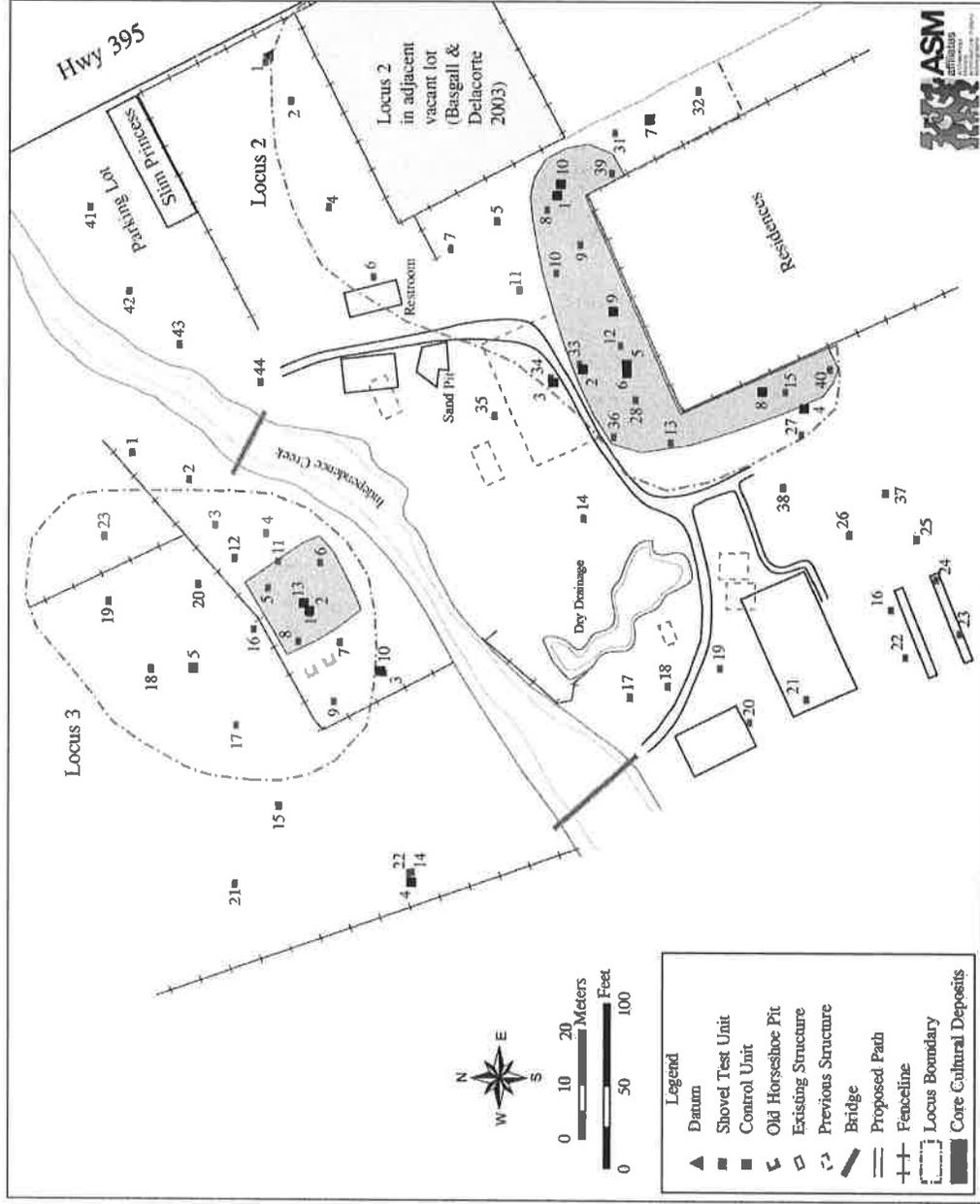


Figure 1. Post-Phase I Construction map of Dehy Park (INY-5761/H) with archaeological units, core cultural deposits, and previous and existing structures.

2. KEY ARCHAEOLOGICAL COMPONENTS OF CA-INY-5761/H

Two specific areas of INY-5761/H within Dehy Park contain relatively substantial and intact prehistoric cultural deposits that have been subjected to test excavation and, in their present condition, can still provide important archaeological data. All of these are considered to be contributing elements to the NRHP-eligibility of INY-5761/H and should be subjected to data recovery given anticipated impacts from Phase II construction (see below).

LOCUS 2 WEST

One area of critical concern is a buried cultural deposit in the south-central portion of Dehy Park. It lies at the south edge of Locus 2 West (Figure 1), covering 1,010 square meters in a narrow band between the old basketball court and the (fenced) boundary of a private residence, a portion of Mary Alley to the east, and beneath Washington Street to the west. It surely continues beyond the fence and beneath the yard of the private residence as well, though its exact extent there is unknown. This core cultural deposit was identified during exploratory and test excavations by ASM (Giambastiani et al. 2009) and, as shown in Figure 1, encompassed STUs 8, 9, 10, 12, 13, 15, 28, 33, 36, 39, and 40, and CUs 1, 2, 4, 5, 6, 8, 9, and 10, and it generally occurs between 30-80 cm depth (12-30 inches) across its known extent. This area has been designated an Archaeologically Sensitive Zone (ASZ) and was recommended for avoidance during Phase II construction (Giambastiani et al. 2009).

The discovery of a human burial at the base of CU 9 constitutes another important issue. We do not know the full vertical and horizontal extent of the interment, but enough of it was exposed during test excavations to identify a couple of human skeletal elements and a capstone feature. The burial was avoided during Phase I construction, and subsequent consultation between Inyo County and the Fort Independence Paiute-Shoshone has only recently determined its disposition with regard to Phase II construction. As documented in a letter from Inyo County to the Fort Independence tribe (dated July 27, 2009), it is the tribe's preference to have the burial at Dehy Park remain in situ. To protect the burial in place, Inyo County plans to install a simple rock garden at its location and to surround it with low fencing. ASM has recommended this fence provide a buffer of 20-25 feet to the north, east, and west of the burial location.

LOCUS 3

The core cultural deposit in Locus 3, on the north side of Independence Creek, is centered at the location of the old horseshoe pits and covers a horizontal extent of about 270 square meters. It was also identified during excavations by ASM (Giambastiani et al. 2009), and was found to encompass STUs 5, 6, 8, 11, and 13, and CUs 1 and 2 (see Figure 1) and extend from the surface to a maximum depth of 100 cm. Although bioturbation has mixed this deposit (more so than the core area in Locus 2 West), diagnostic artifacts were recovered in surprising

2. Key Archaeological Components of CA-INY-5761/H

numbers and there is potential for the presence of buried features (e.g., a hearth, living surface, or house structure) at moderate depth. This area was also designated as an ASZ and should be avoided during Phase II construction (Giambastiani et al. 2009).

3. ANTICIPATED IMPACTS FROM PHASE II CONSTRUCTION

According to information obtained from Inyo County, the major aspects of Phase II construction will be to: (1) replace the existing grass area with an asphalt parking lot; (2) remove the old parking lot and replace it with grass and sprinklers; (3) grade and pave the northern section of Mary Alley; (4) replace an old footbridge across Independence Creek; and (5) install concrete walkways in the northeast section of the park and along the north side of Independence Creek. All of these alterations will occur in areas that have already been subjected to test excavation, and most of them will avoid impacting the ASZs identified during previous work (Giambastiani et al. 2009).

However, the improvements to Mary Alley will impact a portion of the ASZ within Locus 2 West, while the walkway proposed for the north side of Independence Creek will impact the ASZ within Locus 3. Other areas of the site that yielded diagnostic artifacts will also be affected by Phase II construction, mainly the existing grass playing field and various parts of Locus 2 West. Excavations required for the construction of walkways and for the installation of irrigation lines will likely extend at least 12 inches below the existing surface, and will intrude upon important prehistoric components of INY-5761/H at Locus 2 West and Locus 3. As discussed by Giambastiani et al. (2009), these components cannot really be avoided through project redesign and should be subjected to data recovery in order to resolve adverse effects to them.

4. DATA RECOVERY PLAN FOR CA-INY-5761/H AT DEHY PARK

Based on the results of test excavations at Dehy Park (Giambastiani et al. 2009), and considering the anticipated impacts from additional improvements to the park, CALTRANS has determined that Phase II construction will pose an Adverse Effect to site INY-5761/H. ASM has recommended the use of data recovery excavation to resolve this effect (Giambastiani et al. 2009). The following discussions summarize the strategies, methods, and work levels needed to complete data recovery work at Dehy Park.

From a scientific perspective, it will be extremely useful to conduct data recovery excavations at Dehy Park. Minimally, this effort will help solidify age estimates for prehistoric deposits and to complete a search for additional buried archaeological features. As argued by Basgall and Delacorte (2003) and Giambastiani et al. (2009), site INY-5761/H is an important resource for the study of late prehistoric settlement and subsistence adaptations in Owens Valley. Excavations outside Dehy Park (Locus 2 East) yielded good paleobotanical, radiometric, and obsidian hydration data from feature contexts, while excavations within the park have produced signature diagnostic artifacts and supplemental obsidian data. Further work at Locus 2 West and Locus 3 could help solidify perceived trends in prehistoric toolstone acquisition, faunal use, and occupation intensity, and may add to the suite of other chronometric, settlement, and perhaps subsistence data if buried features are discovered.

BASIC FIELD METHODOLOGY

Having already delineated the horizontal and vertical boundaries of archaeological deposits within Dehy Park, the main goal of the data recovery effort will be to collect additional materials from important components of INY-5761/H within Locus 2 West and Locus 3. This will be accomplished primarily through controlled excavation, of the same nature as that conducted during test excavations for Phase I construction (Giambastiani et al. 2009). In general, excavated matrix will be removed in arbitrary 10-cm levels within standard control unit (CU) exposures measuring 1 x 1 m and 1 x 2 m in size, and sifted through 1/8" (3-mm) mesh shaker screens. Unit sidewall stratigraphic profiles will be recorded where necessary; samples of organic material (e.g., charcoal) or soil may be removed for radiometric dating; and an auger probe may be used to determine the vertical extent of buried cultural deposits at various locations. Artifact recovery will target prehistoric materials, but will also secure any important diagnostic historic items such as coins, whole bottles with maker's marks, etc. In the event that artifact recovery rates are extremely high, the collection of prehistoric materials might favor a sampling strategy with respect to flaked stone debitage and other types of debris that are largely redundant with those already abundant in artifact collections from previous excavations. Indeed, it may be useful to simply document recovery totals for some kinds of artifacts but secure only formed tools (e.g., projectile points, bifaces, flake tools, cores, ground stone, beads, ceramics) in certain cases. This will be left to the discretion of the ASM

Principal Investigator and Field Director pending the initial results of data recovery work at Locus 2 West and Locus 3.

Beyond those involved in actual excavation, several other basic tasks will be completed during data recovery work. The ground surfaces of Locus 2 West and Locus 3 will be re-examined to locate any diagnostic items (e.g., projectile points, beads, ceramics) that may have been exposed since the close of test excavations; any such items will be collected as piece-plots. Any exposed features will be fully photo-documented (16-megapixel digital images) and sketched (in plan and/or in profile). All excavated units will be mapped using a 2008 Trimble GeoExplorer receiver, and any necessary adjustments will be made to locus boundaries.

Ultimately, it is anticipated that as much as 8.0 m³ of site deposit will be excavated during data recovery work, less than one-third of the total volume removed during exploratory and test excavations already conducted (Giambastiani et al. 2009). Data recovery excavations may total 4.0 m³ at each locus; given the apparent composition of cultural deposits, a number of fairly shallow units will be excavated at Locus 2 West with relatively few deeper units excavated at Locus 3.

COLLECTIONS PROCESSING

As described by Giambastiani et al. (2009), all cultural materials recovered from data recovery work will be returned to the ASM laboratory in Reno, Nevada for post-field processing. Artifact washing and cataloguing will be completed by ASM staff and technicians. Cleaned and catalogued artifacts will be placed in 4-mil zipper-seal bags along with identification labels printed on acid-free paper. All materials will be retained for curation save any recovered samples of fire-affected rock; once analyzed, the latter will be discarded. An electronic artifact catalogue will be prepared in Microsoft Access 2007 format.

ARTIFACT ANALYSES

All prehistoric artifacts recovered will be subjected to basic analytical treatments regarding metrics, weight, condition (whole or broken), and characteristics of production, use, and reuse. A set of technological and functional attributes specific to each artifact class will also be examined in order to construct a picture of each site collection that portrays artifact function, production history, and use-life within the context of a behaviorally associated artifact assemblage. All analyses of prehistoric artifacts will be led by Dr. Mark Giambastiani, ASM's Principal Investigator for the data recovery effort. Analytical methods will parallel those used to examine artifact collections recovered during test excavations at Dehy Park (see Giambastiani et al. 2009).

SPECIAL STUDIES

Drawing from both testing and data recovery collections, it is anticipated that as many as 50 obsidian artifacts will be submitted to the Northwest Obsidian Studies Research Laboratory in

Corvallis, Oregon for XRF sourcing and hydration analysis. Should any organic materials or soils be recovered that are deemed suitable for radiocarbon assay, 1-2 samples will be submitted to Beta Analytic, Inc. in Miami, Florida for radiometric dating.

REPORT OF RESULTS

Results of data recovery work will be summarized in a brief, interim letter report submitted to Caltrans no later than 1 week following the close of data recovery excavations. This will allow project construction to proceed as quickly as possible. Full details of excavation results will be provided in a final, end-of-project report describing all data recovery efforts at Dehy Park in the same format as provided for the evaluation effort (Giambastiani et al. 2009).

ARTIFACT CURATION

All recovered archaeological materials will be prepared for curation by ASM and delivered to the Department of Anthropology, California State University, Sacramento (CSUS) for long-term care and storage. ASM will prepare the collections in accordance with specifications provided by CSUS, and will coordinate the transfer of materials with CSUS on behalf of Inyo County.

CONSTRUCTION MONITORING

Following the close of data recovery excavations, the presence of archaeological and Native American monitors during construction at Dehy Park will be critical to the final completion of the current undertaking. Monitors will help ensure that the ASZs at Dehy Park are avoided during earth-moving activities. All on-site construction workers may not be aware of the horizontal extent of the ASZs, despite any efforts to describe or mark its boundaries, and the presence of monitors will help prevent any unintended incursions to the area. The use of monitors will give Inyo County and Caltrans the ability to identify, avoid damaging, and treat any potentially NRHP-contributing, buried cultural deposits or features that might be exposed during construction activities outside the ASZs.

Monitoring will be conducted in all parts of the construction APE wherever ground-disturbing activities occur. However, the archaeological monitor may determine that some areas where no cultural resources were encountered during Phase I-II testing and Phase III data recovery work may not require examination. In general, the archaeological and Native American monitors will follow the path of earth-moving equipment, or the efforts of excavating hand-crews, in order to examine backdirt, trench sidewalls, and other exposures for evidence of:

1. “time-sensitive” or “diagnostic” prehistoric or historic Native American artifacts (e.g., projectile points, beads, pottery);
2. diagnostic, unbroken historic Euro-American artifacts (e.g., coins, whole bottles with maker’s marks);

3. buried prehistoric features (e.g., rock hearths) or historic Euro-American features (e.g., privies, refuse pits, structural foundations);
4. buried human interments (Native American or Euro-American); or
5. buried cultural deposits (prehistoric or historic) that appear to be substantial, intact, and horizontally/vertically discrete.

During monitoring, ASM proposes to collect any diagnostic artifacts for analysis and eventual curation with materials recovered during the previous excavations. Such finds will be plotted using a GPS receiver and secured for transport to the ASM laboratory in Reno, Nevada. All recovered artifacts will be analyzed in accordance with professional standards using methods and techniques outlined in the archaeological evaluation report prepared for the exploratory and test excavations (Giambastiani et al. 2009). The identification of buried features, human interments, or as yet undiscovered cultural deposits will necessitate a work stoppage until the monitors can determine what has been exposed and can consult with the project Principal Investigator to decide on a course of action.

For the most part, the ASM monitor will carefully scrutinize excavations from a position adjacent to or in front of excavating equipment or hand-crews. At times, however, the monitor may elect to screen volumes of backdirt (through 1/4" or 1/8" mesh), in order to check for the presence/absence of cultural materials or to gauge the quantity of materials present in a particular area. The monitor may also periodically request entry to large or deep trenches (observing all safety regulations) in order to more carefully examine stratigraphic profiles or to minimally hand-excavate a possible deposit or feature in order to partially expose it for better identification. Both of these situations will require a temporary delay or stoppage of excavation until a possible find can be identified. Once a find is determined to be insignificant, construction can proceed normally.

Each day, the ASM monitor will compile notes regarding excavation procedures, findings, and any other pertinent observations (soil conditions, visibility, etc.). Copies of these notes will be made available to any of the interested parties at any time upon request, and en masse at the conclusion of the monitoring effort. Original notes will be curated along with the artifact collections recovered from INY-5671/H during prior excavations.

POST-REVIEW DISCOVERIES

The Programmatic Agreement (PA) between the Federal Highway Administration (FHWA), the Advisory Council on Historic Preservation (ACHP), the California State Historic Preservation Officer (SHPO), and Caltrans outlines a basic set of procedures to deal with unanticipated discoveries of cultural resources in the project APE and with cases in which known resources are directly or indirectly impacted in an unanticipated manner by construction activities. The presence of archaeological monitors during construction will aid in this regard (see below). Although unlikely given the amount of investigation that will have been completed by the time Phase II construction begins, it is possible that trenching or other ground-disturbing activities will unearth as yet undiscovered, important components of INY-5761/H that will

require investigation. While a “discovery” can include a wide range of cultural resource types, those considered discoveries in this context are resources that are perceived to be Historic Properties in themselves or that may contribute to the NRHP eligibility of INY-5761/H. In general, isolated individual artifacts (prehistoric or historic, diagnostic or not) do not qualify in this situation. Most likely, resources that will be considered discoveries during Phase II construction are:

- buried, previously unknown and intact cultural deposits (e.g., prehistoric artifact deposits, middens, historical refuse concentrations);
- buried features of prehistoric (e.g., hearths, pithouse floors, caches) or historical age (e.g., rock or wooden constructions, pits, cellar floors); and
- human remains and associated cultural materials.

In assessing the discovery or impact, the archaeological monitor will determine the nature of the resource, its spatial extent, and the nature of its deposition and exposure. To do so may require the screening of already-excavated deposit, additional excavation (mechanical and/or by hand), photographs, mapping, or other forms of documentation. The monitor will also consult with the ASM project Principal Investigator in order to assess the immediate significance of the newly identified resource.

Should an inadvertent discovery or impact situation arise, the following steps will be implemented:

First, in a discovery or unanticipated impact situation, all project-related activities in the immediate area of the discovery or impact should be halted and an activity buffer of at least 100 feet in all directions maintained from the point of discovery. The archaeological and Native American monitors will be responsible for notifying Inyo County and Caltrans that a discovery situation or impact has occurred. Second, in accordance with the PA (Page 10, Section XV, Part B: Discoveries Without Prior Planning):

Caltrans will notify the FHWA, the SHPO, Inyo County, involved Native American tribes, and other interested parties of the discovery or impact within 48 hours of the discovery. The notification shall at a minimum include the information specified in 36 CFR 800.13(b)(3), and if applicable, (c). Should any of the involved parties respond within 72 hours of the notification, Caltrans will take into account their recommendations and may carry out appropriate actions or consult further with any commenting parties.

All construction-related activities in the area of discovery will remain halted until Caltrans has notified Inyo County in writing that fieldwork mitigation measures are complete and activities can resume.

Third, in the event that Caltrans requires additional evaluation and/or data recovery measures for mitigation, ASM will respond within seven working days of notification to complete all required fieldwork tasks within 14 days of notification. All cultural materials recovered during

these activities will be treated in the manner described in the Collections Processing and Analysis section of this plan, and will be curated according to the procedures outlined in the discussion of Artifact Curation (see above).

HUMAN REMAINS

As stated in the PA (Page 9, Section XIII, Part A), any human remains, grave goods, items of cultural patrimony, or sacred objects encountered on non-federal land during Phase II construction at Dehy Park will be treated according to the provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), its implementing regulations (43 CFR 10), and California Health and Safety Code 7050.5 and Public Resources Code 5097.98. Situations in which human remains are found will be approached initially as described for Post-Review Discoveries (see above, Step 1 only), but once definitively identified, such remains will be treated according to the laws cited above. In general, the procedures to be followed in this situation are:

1. If human remains are discovered under any circumstances, all undertaking-related activities will halt immediately within 100 feet of the location of discovery. The human skeletal remains will be carefully covered and secured to protect them from degradation by weather or unauthorized individuals. If necessary, Inyo County will provide overnight security for the discovery.
2. Inyo County, through its contractor (RMT and ASM), will immediately notify Caltrans and local law enforcement authorities. Caltrans will assume responsibility for coordination with the SHPO. Local authorities (Inyo County Coroner) will determine whether the remains are of an unrecorded dead body as defined by California statutes (California Health and Safety Code 7050.5 and Public Resources Code 5097.98) and whether the remains are part of a crime scene. If the remains are part of a crime scene, local law enforcement shall assume jurisdiction and responsibility.
3. If the human skeletal remains do not constitute a crime scene, a qualified archaeologist will inspect the remains and will report the discovery to Inyo County and Caltrans. This report will describe any human remains and any associated or unassociated funerary objects, sacred objects, or objects of cultural patrimony. The specific treatment of the remains will depend on whether or not they are identified as Native American. If the remains are identified as Native American, the Inyo County Coroner will notify the California Native American Heritage Commission and Caltrans or Inyo County will contact the appropriate Native American tribes.
4. ASM will then submit a treatment plan consistent with tribal recommendations to RMT and Caltrans. After the treatment plan is approved by the SHPO, the tribes, and the landowner, Inyo County will implement the treatment, which may include scientific studies. ASM will respond immediately and prosecute the coordination and completion of consultation a timely yet expedited manner.

After the treatment plan is completed and the report approved, all human remains and artifacts must be reinterred under the supervision of the tribes, if so mandated. No Native American human remains or associated grave goods will be publicly exhibited or be displayed in any manner without the explicit consent of the tribes. Any such public display is subject to criminal penalty and civil action. No media will be alerted to or allude to this discovery without the written consent of the tribes.

REFERENCES

Basgall, M. E., and M. G. Delacorte

2003 *Eligibility Report on Phase II Evaluations at Nine Archaeological Sites Near Independence, Inyo County, California*. Submitted to California Department of Transportation, District 6, Fresno.

Giambastiani, Mark A.

2006 *Summary of Findings and Management Recommendations Regarding Extended Phase I Archaeological Exploration and Phase II Evaluation Testing for the Dehy Park Improvements Project at Independence, Inyo County, California*. Letter report submitted to MHA Environmental, Inc.

Giambastiani, Mark, A., Theresa M. Lechner, and Lynn Johnson

2009 *Phase I-II Excavations at CA-INY5761/H Dehy Park, Independence, Inyo County, California*. Report on file at Caltrans District 09.

ATTACHMENT B-6

**AGREEMENT BETWEEN COUNTY OF INYO
Eastern Sierra Engineering
FOR THE PROVISION OF ENGINEERING SERVICES
FOR PHASE II OF THE DEHY PARK IMPROVEMENT PROJECT**

TERM:

FROM: June 15, 2012 **TO:** June 15, 2015

SCHEDULE OF FEES:

The hourly rates for the scope of work described in Attachment A-6 to the Contract shall be the rates described in ESE's subconsultant's (Panorama Environmental, Inc.'s) proposal dated November 20, 2013 (Panorama's Attachment 1), which is included in Attachment A-6 to this Amendment No. 6. The estimated fee for these services is \$50,607.78.

This is an estimate of probable costs, and is presented for information only. The actual costs billed may differ, depending on the actual number of hours and actual direct costs incurred by the consultant. The total compensation to be provided shall not exceed the total Contract amount, subject to such adjustments as may be made by properly approved amendments.

ESE has agreed to invoice for Panorama's services on a pass-through basis, without mark-up for administrative costs.

County of Inyo Standard Contract – No. 156
Amendment 6
Attachment A-6



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:

AGENDA NUMBER

AGENDA NUMBER

15

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

FROM: HEALTH & HUMAN SERVICES – Social Services, ESAAA, IC-GOLD

FOR THE BOARD MEETING OF: February 11, 2014

SUBJECT: Request to blend duties of Human Services Supervisor and Site Manager

DEPARTMENTAL RECOMMENDATION:

Request Board authorize the blending of job duties, as outlined in attached job description, of a Social Services-funded Human Services Supervisor position and the ESAAA/IC-GOLD Site Manager position in Lone Pine, keeping the classification as a Human Services Supervisor, Range 70 (\$4,221-5,133), as previously authorized.

CAO RECOMMENDATION:

SUMMARY DISCUSSION:

Your Board previously authorized the hiring of this vacant, budgeted Human Services Supervisor position in the HHS Employment and Eligibility Division of Social Services. This supervisor is one of three supervisors in this division, and historically was based in the Lone Pine HHS office. Because of automation changes and more recent internal task re-assignments, the duties of that Lone Pine-based position are no longer full time. Recently, the Lone Pine-based Site Manager at Statham Hall was vacated, providing an opportunity to blend two Lone Pine-based supervisory positions, creating cost efficiencies in the three impacted budgets. This blending will also result in other personnel shifts which together with this position will generate a total savings of \$4,559 to the County General Fund.

This blended position concept has been reviewed with and is supported by the Advisory Council for Eastern Sierra Area Agency on Aging (ESAAA).

ALTERNATIVES:

Denying this request would mean we would look at either filling both vacancies as they currently exist, or filling neither vacancy which likely would result in significant reductions to senior services in Lone Pine.

OTHER AGENCY INVOLVEMENT:

California Department of Social Services, California Department of Aging

FINANCING:

Social Services State, Federal, and Realignment funds: \$22,003

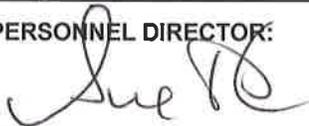
Health Realignment funds: \$8,801

Substance Use Disorders State, Federal and Realignment funds: \$8,801

Mental Health Realignment funds: \$8,801

ESAAA State and Federal funds: \$26,404

IC-GOLD funds (all County General Funds): \$13,202

<u>APPROVALS</u>	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by County Counsel prior to submission to the Board Clerk.)</i> Approved: _____ Date: _____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the Auditor/Controller prior to submission to the Board Clerk.)</i> CPM Approved: <u>yes</u> Date: <u>2/3/2014</u>
PERSONNEL DIRECTOR: 	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the Director of Personnel Services prior to submission to the Board Clerk.)</i> Approved: <u>J</u> Date: <u>1/30/14</u>

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

Jean Turner Date: 2-5-14



AN EQUAL OPPORTUNITY EMPLOYER
(WOMEN, MINORITIES, AND DISABLED ARE ENCOURAGED TO APPLY)

ANNOUNCES AN OPEN RECRUITMENT FOR:

HUMAN SERVICES SUPERVISOR

Application Deadline:

DEPARTMENT: Health & Human Services, Aging and Social Services
LOCATION: Countywide (Current vacancy is in Lone Pine)
SALARY: Range 70 \$4221 \$4434 \$4652 \$4888 \$5133**
TERM: Continuous

**The above monthly salary will be paid over 26 pay periods annually.

BENEFITS: CalPERS Retirement System – New members will be required to pay at least 50% of normal cost. Medical Plan – Inyo County pays a portion of monthly premium for employee and dependent on PERS medical plans; 100% of employee and dependent monthly premium paid for dental and vision; \$20,000 term life insurance policy on employee. Vacation – 10 days per year during the first three years; 15 days per year after three years; 1 additional day for each year of service after ten years to a maximum of 25 days per year. Sick leave – 15 days per year. Flex (personal days) – 5 days per fiscal year. Paid holidays – 11 per year.

DEFINITION: Under direction of the Health and Human Services Director or designee, this position will oversee Lone Pine HHS operations at two sites in Lone Pine, including coordination and supervision of staff for serving the aging population in southern Inyo geographical region, coordination of multidisciplinary services in the HHS office, address building/facility issues, provide some technical support to a broad range of HHS programs, and related duties as assigned.

ESSENTIAL JOB DUTIES: Provides first-level supervision and oversight of a range of HHS services in coordination of other HHS supervisors and managers in other Inyo County locations; assists in identifying needs of various population groups within southern Inyo County and helping to develop appropriate responses to those needs, based on available resources; may coordinate social events and activities for aging and/or other populations; oversee effective meal and nutrition services to eligible senior citizens, both in congregate settings and through home-delivery; in coordination with the HHS Volunteer Coordinator, manages volunteers as part of a service-delivery strategy; attend meetings locally, in other Inyo County communities, and occasionally elsewhere in California; maintains statistical records and individual case files; compiles and submits accurate and timely monthly reports to comply with various State standards; maintains inventory and stock of office supplies; counts and appropriately documents and deposits cash donations; receives reports of building problems and provides initial response to secure timely solutions for two County facilities in Lone Pine; provides administrative, but not program supervision of some employees and provides both administrative and program supervision of other employees, contingent upon future development of this position; may provide more technical oversight of some HHS programs, contingent upon specific qualifications of successful candidate; participates effectively individually and in meetings with other HHS supervisors and managers; and related duties as assigned.

EMPLOYMENT STANDARDS

Education/Experience: High school graduate or equivalent with one year of experience performing duties equivalent to a first-level supervisor in a Human Services agency; **OR** two years of progressively responsible duties in a social services or behavioral health division of a Human Services agency; **OR** three years of professional experience performing work consistent with the assigned work unit, including one year of lead or supervisory experience in such programs, **AND** completion of the equivalent of 18 semester units (28 quarter units).

Knowledge of: The functions of Human Services agencies and the specific issues assigned in the work unit (i.e., Social Services, Aging Services). Computer software applications for word processing, and Internet navigation skills.

Ability to: Speak and write English using appropriate grammar and paragraph structure, and produce oral and written reports/presentations concisely and clearly. Use computers in daily work and for regular e-mail. Plan, assign, monitor, and supervise the work of others. Apply interpersonal skills effectively. Establish and maintain cooperative working relationships with community groups, co-workers and the general public. Work effectively with other work units in the agency. Train and develop staff including consumers. Operate automated office equipment and systems used by the department. Identify problems and develop solutions; analyze a situation accurately and adopt an effective course of action; use available sources of information effectively in determining program goals and activities. Must have physical ability to sit for prolonged periods of time, stand, twist, lift, and carry up to 25 pounds; climb and descend stairs; frequent telephone use. Must be able to drive a vehicle and travel alone throughout Inyo County and to other areas in California.

Special requirements: Must possess or obtain by appointment date a valid operator's license issued by the State Department of Motor Vehicles. Must possess ability to travel independently. Must successfully complete a pre-employment background investigation and physical examination.

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

APPLICATION: Applications **must be received** in the Personnel Office, P.O. Box 249, Independence, CA 93526, no later than 5:00 p.m. on _____ (postmarks not accepted). Must apply on Inyo County application form. A cover letter and/or resume will be accepted in addition to the application form but will not serve as a substitute for a completed application. **It is not acceptable to complete the application with statements like "See/Refer to Resume" or "See Attached"**. Incomplete applications will not be processed. Applications may be faxed to meet the deadline—original application with original signature must be mailed.

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

REASONABLE ACCOMMODATION FOR INDIVIDUALS WITH QUALIFYING DISABILITIES: Inyo County will make reasonable efforts in the examination process on a case-by-case basis to accommodate persons with disabilities. If you have special needs, please contact (760) 878-0377 prior to the examination process.

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



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

16

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

FROM: County Administrator/Personnel/County Counsel

FOR THE BOARD MEETING OF: February 11, 2014

SUBJECT: Approval of Contract Amendment No. 1 with Atkinson, Andelson, Loya, Ruud & Romo

DEPARTMENTAL RECOMMENDATION:

- 1) Approve Amendment No. 1 to the Agreement between Atkinson, Andelson, Loya, Ruud & Romo for the provision of legal services to increase the not to exceed amount by \$100,000.00 for a total of \$200,000.00; and authorize the Chairperson to sign. (4/5's vote required).
- 2) Amend FY 2013-2014 County Budget as follows: Increased estimated revenue in Sheriff-General Budget (022700), Object code AB443(4486) by \$70,000 and increase appropriation in the Sheriff-General Budget (022700), Object code Internal Charges (5121) by \$70,000, (4/5's vote required) and
- 3) Amend FY 2013-2014 County Budget as follows: Increase estimated revenue in the Personnel Budget (010800), Object code Intra County Charges (4821) by \$70,000 and increase appropriation in the Personnel Budget (010800), Object Code Professional Services (5265) by \$70,000, (4/5's vote required) and
- 4) Amend FY 2013-2014 County Budget as follows: Increase appropriation in the Personnel Budget (010800), Object Code Professional Services (5265) by \$30,000 and decrease appropriation in the Personnel Budget (010800), Object Code Contingencies (5901) by \$30,000. (4/5's vote required)

CAO RECOMMENDATION:

SUMMARY DISCUSSION:

There are several pending confidential labor litigation matters on which Atkinson, Andelson, Loya, Ruud & Romo ("The Firm") represents the County. These matters are in various stages of the litigation process. In addition, the Firm periodically provides legal advice on a case-by-case, as needed basis, both related to the pending litigation and occasionally other matters.

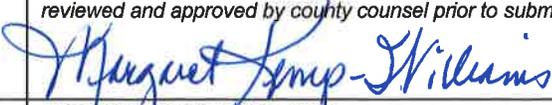
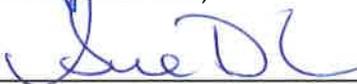
ALTERNATIVES:

Your Board could decline to approve the Agreement with Atkinson, Andelson, Loya, Ruud & Romo and pay the outstanding bill (roughly \$25,000) for services rendered, and then move to providing these services through the County Counsel's Office. Neither alternative is recommended, because it is not financially nor otherwise a good idea to "switch horses in mid-stream"

OTHER AGENCY INVOLVEMENT:

FINANCING:

The additional funding for this contract will be paid from the Personnel Budget #010800 Object code Professional Service #5265 contingent on the approval of the budget amendment request in this agenda request.

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: <input checked="" type="checkbox"/> Date <u>2/6/14</u>
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)  Approved: <input checked="" type="checkbox"/> Date <u>2/6/14</u>
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)  Approved: <input checked="" type="checkbox"/> Date <u>2/6/14</u>

BUDGET OFFICER: 

DEPARTMENT HEAD SIGNATURE: Kevin Carunchio by Date: 2/6/14
(Not to be signed until all approvals are received)
(The Original plus 20 copies of this document are required)


**AMENDMENT NUMBER 1 TO
AGREEMENT BETWEEN THE COUNTY OF INYO AND
ATKINSON, ANDELSON, LOYA, RUUD & ROMO
FOR THE PROVISION OF LEGAL SERVICES**

WHEREAS, the County of Inyo (hereinafter referred to as "County") and Irma Rodriguez Moisa, of Atkinson, Andelson, Loya, Ruud & Romo of Cerritos, California (hereinafter referred to as "Contractor"), have entered into an Agreement for the Provision of Independent Contractor Services dated June 25, 2013, on County of Inyo Modified Contract No. 123, for the term from July 1, 2013 to June 30, 2014;

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:

1. Paragraph **3. CONSIDERATION** . is amended to read as follows:

E. 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, including travel and per diem expenses, if any, shall not exceed **\$200,000.00** Dollars (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, including travel or per diem, which is in excess of the contract limit.

The effective date of this Amendment No. 1 to the Agreement is February 1, 2014.

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

// Nothing Follows\\

**AMENDMENT NUMBER 1 TO
AGREEMENT BETWEEN THE COUNTY OF INYO AND
ATKINSON, ANDELSON, LOYA, RUUD & ROMO
FOR THE PROVISION OF LEGAL SERVICES**

IN WITNESS WHEREOF, THE PARTIES HERETO HAVE SET THEIR HANDS AND
SEALS THIS _____ DAY OF _____, 2014.

COUNTY OF INYO

By: _____

Dated: _____

CONTRACTOR

By: Irma Rodriguez Moisa
Signature

Irma Rodriguez Moisa
Type or Print

Dated: January 29, 2014

APPROVED AS TO FORM AND LEGALITY:

Margaret Kemp-Williams
County Counsel

APPROVED AS TO ACCOUNTING FORM:

Ann Shepherd
County Auditor

APPROVED AS TO PERSONNEL REQUIREMENTS:

[Signature]
Personnel Services

APPROVED AS TO RISK ASSESSMENT:

M Baker
County Risk Manager

dg/Contract/Amendments/AtkinsonAngelsonLoyaRuud&Romo Amnd1.012214



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER
 17

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

FROM: Inyo County Planning Department

FOR THE BOARD MEETING OF: February 11, 2014

SUBJECT: Inyo National Forest Plan Update/Revision

RECOMMENDATION: Receive a presentation from staff about coordination with Forest Service staff regarding the Inyo National Forest Plan Update/Revision and provide input.

SUMMARY DISCUSSION: The Inyo National Forest is working on updating the Inyo National Forest Plan.¹ Staff is working with Forest Service staff in developing the Plan, and will report on recent activities. Input from the Board is requested to guide staff in future coordination efforts with Forest Service staff.

During recent public meetings, the Forest Service solicited input regarding the Desired Conditions. Staff will be working on developing concepts for the Desired Conditions, and requests Board input regarding form and content. The County's Public Outreach Plan does not include a public meeting for this phase of the Update effort; the Board could direct staff to arrange for such a meeting to solicit public input. The due date for input regarding Desired Conditions is unclear at this point; Forest Service staff report that input will be considered for the Notice of Intent, which is scheduled for release April 1.

OTHER AGENCY INVOLVEMENT: Department of Agriculture, U.S. Forest Service; Mono, Fresno, Madera, and Tuolumne counties; other interested persons and organizations.

FINANCING: General fund resources are utilized to monitor planning work in the Forest. Resources for Willdan's assistance with the effort are funded by operating transfer from the Geothermal Royalties fund.

<u>APPROVALS</u>	
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)

John Hest

Date: 2-5-14

Refer to <http://inyoplanning.org/InyoNationalForest.htm> for more information about the County's participation in the Plan Update/Revision.



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

18

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

FROM: Planning Department

FOR THE BOARD MEETING OF: February 11, 2014

SUBJECT: Zoning Code Update Workshop – Code Enforcement

DEPARTMENTAL RECOMMENDATION: Conduct a workshop regarding the draft Zoning Code Update pertaining to Code Enforcement, and provide direction to staff.

SUMMARY DISCUSSION: One of the follow-up actions from the 2001 General Plan was to update the Zoning Code. Staff worked with Willdan to prepare updated Zoning Code sections, which were provided for review by the Board and the Planning Commission in a series of workshops between 2011 and 2013. Staff incorporated this input into a comprehensive Zoning Code update and prepared a related General Plan update,¹ and in May 2013 embarked on a robust community outreach effort to inform the public, stakeholders, community organizations, public agencies, and other interested persons and entities about the Update effort and solicit input. The Planning Commission reviewed the results of the outreach and provided input on October 30, 2013; recommendations from the Commission and staff were forwarded to the Board on December 3, 2013. At that workshop, the Board concurred with the majority of the recommendations, but directed staff to undertake additional research and return for three specific workshops, the first of which being Code Enforcement. The other two topics are (1) expanding the General Plan Update's approach to Digital 395 and (2) Special Event Permits, blighted buildings, and potentially community character zoning overlays, the latter contingent on the outcome of further Code Enforcement discussions.

Based on the Board's direction, staff has developed another version of the proposed Code Enforcement section for review (see attached). This version maintains the current policy under which staff responds to written complaints. If a violation is found to exist, the violator will be notified, and if the violation is not rectified, a Notice of Violation shall be issued, which may be appealed to a Code Enforcement Hearing Officer. Specified code enforcement responsibilities are proposed to be transferred to the office of County Counsel from the District Attorney. Penalties include a \$500/day fine, recordation and liens against the property, civil action, and prosecution as a misdemeanor or an infraction.

Per the Board's previous direction, staff discussed potential overlays with the various communities during the outreach effort. The purpose of these discussions included accommodating distinct community character within the context of strengthened code enforcement. Based on the Board's direction on December 3, 2013, staff request further direction about proceeding with a generic example overlay for the upcoming third workshop.

¹ Refer to <http://inyoplanning.org/GPandZoningUpdates.htm> for more details regarding the update effort, including the May 2013 version of the Zoning Code/General Plan update.

Next Steps

Once the Board provides direction regarding the specified topics in the upcoming workshops, staff plans to publish the next iteration of the Zoning Code/General Plan document and embark on environmental review in early spring, with final consideration later in the 2014. Additional opportunities for public input will be provided, and staff will continue to review and update the documents iteratively throughout the process.

ALTERNATIVES: The Board could direct staff to alter the approach to specific issues, or bring back specific issues for more in-depth consideration. Also, the Board previously instructed staff to work directly with itself and the Planning Commission on the update; the Board could instead direct staff to form a General Plan Advisory Committee.

OTHER AGENCY INVOLVEMENT: None directly; other County departments and/or outside agencies may be affected during implementation.

FINANCING: Resources from the County's general fund are being utilized for staff to process the updated Zoning Code. Funds for Willdan to prepare the draft Code were allocated from geothermal royalties by operating transfer to the General Fund/Planning Department budget.

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)



Date: 2-6-14

Attachment: Draft Code Enforcement Section

PURPOSE AND ADMINISTRATION

Section 18.01.040. General Provisions

Application.

This section applies generally to all real and personal property within Inyo County ("County").

A. Every owner of real and personal property within the County is required to maintain such property in accordance with the provisions of this Title, and such owner shall be liable for violations of this Title regardless of any contract or agreement that the owner might have with a third party regarding the property.

B. Every legal occupant, lessee or other person with an interest in real property, with the exception of a property owner or a lender whose sole interest in the property is as security for the repayment of a debt, is required to maintain such property in the same manner as is required of the property owner. The duty imposed on a property owner shall, in no instance, relieve legal occupants, lessees, or other persons of their duties under this section.

Reference.

Whenever reference is made to any portion of this section, the reference applies to this section as adopted and any subsequent amendments or additions.

Nonexclusive remedies.

The remedies provided in this section are cumulative, and shall be in addition to any other remedies provided by law. Nothing in this section shall be deemed to prevent the County from commencing any other available civil or criminal proceeding to abate a nuisance under applicable provisions of state or other law.

Declaration of Purpose

Purpose.

The Board finds that the enforcement of this section and applicable state codes within the County is an important public service, critical to the protection of the public health, the improvement of the quality of life in the community, enhancement of public safety and the general welfare of the citizens. The Board further finds that a comprehensive code enforcement system that uses a combination of administrative and judicial remedies will substantially facilitate compliance with this section.

It is the direction of the Board that the enforcement philosophy for this section shall be to achieve voluntary compliance from the property owner(s) as the primary objective. Although "letter of the law" enforcement may become necessary from time to time, the Board prefers that a commitment to the "intent of the law" be the prevailing enforcement posture in the County. Thus, the Board adopts this section to:

- A. Provide a comprehensive method for the identification and abatement of certain nuisances within the County and to impose any costs of abatement against the owners of the offending properties as a personal obligation and/or as a lien against real property.
- B. Provide for the protection of life, limb, health, safety, property or welfare of the general public and occupants of, and neighbors to, properties or conditions constituting public nuisances.
- C. Provide the citizens of the County with an attractive community and protect property values.
- D. Allow the citizens of the County to actively participate in the community enhancement process.

Article III. Definitions

Definitions.

For purposes of this section, the following words shall have the following meaning, unless a different meaning is specifically provided for in this section.

“Building official” means the County official and his or her designated representative charged with enforcement of the County building code.

“County” means Inyo County.

“County Administrative Officer” means the County Administrator of the County or designated representative.

“Combustible materials” means materials which are readily ignitable, free-burning, or which will ignite through contact with flames of ordinary temperatures and includes combustible decorative materials, combustible fibers, combustible liquids, and combustible waste material as those terms are defined in the California Fire Code as adopted by the County.

“Complaint” means a written report, by any person or entity, of an alleged violation of this section or other applicable laws on the County proscribed form.

“Days” means calendar days unless otherwise specified.

“Demolish” means to destroy a building and to remove all debris and waste materials from the lot on which the building stood.

“Enforcement” means all efforts, following written complaint, to secure compliance or abatement. This may include review of plans and permit applications, response to complaints, citation of violations, and other legal process. Unless otherwise provided in this section, “enforcement” does not include inspections of existing buildings on which no written complaint or application has been filed, or require any effort to secure compliance as to such existing buildings.

“Code Enforcement Hearing officer” means an individual or individuals appointed by the County Administrative Officer, acting singularly or collectively, with the authority to conduct a hearing and following a hearing to affirm, modify or reverse an order of abatement as provided for and described in this section, in accordance with regulations that may be established by the Planning Director.

“Imminently dangerous” means that the condition of property or a building, if abated according to the procedures set forth in this section requiring notice and an opportunity for a hearing, may, during the pendency of those proceedings, subject the public, occupants, or neighbors, or the property of these persons to potential harm of a serious nature.

“Legal occupant” means any person over one year of age lawfully living, sleeping, cooking or eating in, or otherwise having actual legal possession of a dwelling unit.

“Mediation” means the process following receipt of a written complaint during which the Planning Director works with the property owner to informally resolve issues relating to alleged violations of this section or other applicable laws.

“Notice of administrative violation” means the notice issued by the Planning Director or his or her designated representatives, which may include, but is not limited to the code enforcement officer.

“Nuisance” means any nuisance defined pursuant to Part 3 of Division 4 of the Civil Code commencing with Section 3479, any other nuisance recognized at common law or in equity, or any nuisance as defined by this section.

“Occupy” means to reside or dwell in for purposes of shelter, sleeping or cooking.

“Order of abatement” means any final order or notice requiring abatement of a nuisance pursuant to this section or other applicable law issued by the Planning Director.

“Personal property” means temporary or moveable property as distinguished from real property.

“Property” means all real property, including, but not limited to, the entire premises, parking lots, sidewalks, gutters, driveways, walkways and shall include any building and structure and improvement thereon located on such property.

“Property owner” or “owner” means any person owning real property as shown on the last equalized assessment roll for County taxes.

“Public nuisance” includes, but is not limited to, a nuisance that affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal; or any public nuisance as defined by state law or this section.

“Reasonable time(s)” means between the hours of eight a.m. and five p.m., Monday through Friday, inclusive, unless otherwise required by: (1) an emergency impacting the safety or preservation of life or property; or (2) the fact that the alleged violation of this section or other applicable laws only occurs at some other hour or on a weekend

“Registered,” with respect to vehicles, means a current, valid California Registration for a vehicle conforming to California Vehicle Code Sections 4000 or 9840 et seq.

“Rental dwelling unit” means a dwelling unit rented for any tenure, type or price.

“Rubbish” means and includes castaway furniture, packing materials, construction waste, dry manure, debris, tree or shrub trimmings, or other matter that could constitute or increase a fire hazard.

“Serve” means placement of a document directed to the property owner in the United States mail and is deemed complete on deposit in the mailbox.

“Sheriff” means the elected Sheriff of the County or designated representatives

“State housing law” means Division 13, Part 1.5 of the Health and Safety Code (commencing at Section 17910) and Article 1 (commencing at Section 1) of Chapter 1, Title 25 of the California Code of Regulations.

“Tenant” means the person lawfully occupying a building or portion thereof, or a dwelling unit or rental dwelling unit.

“Vehicle” means a device by which any person or property may be propelled, moved or drawn upon a highway, road or body of water and, for the purposes of this section, shall include, but not be limited to, automobiles, trailers, recreational vehicles, campers, boats, motorcycles and mopeds, whether or not such vehicles are registered as required by law.

Administration and Enforcement

Code interpretation.

The Planning Director shall have the power to render interpretations of this section and its regulations in order to clarify the application of its provisions. Such interpretations shall conform to the intent and purpose of this section.

Adoption of code enforcement regulations.

The Planning Director is authorized to adopt and enforce reasonable regulations consistent with the purposes, intent and express terms of this section as he or she deems necessary to implement such purposes, intent, and express terms. No regulation or amendment thereto, shall be enforced or become effective until thirty days following the date on which the proposed regulation or amendment has been filed with the Board Clerk. At the discretion of the Planning Director or County Administrative Officer, or the request of any member of the Board of Supervisors, any regulation promulgated by the Planning Director may be brought to the Board of Supervisor for approval.

Investigation following receipt of a written complaint

Following receipt of a written complaint, the complaint shall be investigated by the Planning Director or his designee.

Authority to enter and inspect.

A. Inspections. To the extent allowed by law, the Planning Director or his designee, including but not limited to the Code Enforcement Officer, may enter and inspect any building or property whenever a written complaint has been filed with the Planning Director alleging a violation of the provisions of this Title. The Planning Director or his designee, including but not limited to the Code Enforcement Officer, may make any examinations and surveys as necessary in performing these inspections as permitted by law and consistent with legally recognized privacy rights. These duties may also include the taking of photographs, samples or other physical evidence. All inspections, entries, examinations and surveys shall be conducted in a reasonable manner.

B. Right of Entry shall be provided as specified by Chapter 1.08. If such a building or property is unoccupied, the Planning Director or his designee, including but not limited to the Code Enforcement Officer shall make a reasonable effort to locate the owner or other persons having charge of control of the building or property and request entry.

No person authorized to enter buildings shall enter any dwelling between the hours of six p.m. of any day and eight a.m. of the succeeding day, without the consent of the owner or occupants of the dwelling, nor enter any dwelling in the absence of the occupants without a proper written order executed and issued by a court of competent jurisdiction.

Process following determination of Violation:

If a violation is determined to exist, the Planning Director shall notify the owner of the property involved orally to abate the violation.

If thirty (30) days after oral notification the violation continues, the Planning Director shall issue and serve a written notice of administrative violation (Notice) to the property owner requiring correction of the violation within thirty (30) days.

If the violation is continuing thirty-five (35) days after the Notice was served, the Planning Director shall issue and serve a final notice (Final Notice) to the property owner to correct the violation within thirty (30) days.

If the violation continues thirty-five (35) days after the Final Notice was served the Planning Director will issue and serve an Order of Abatement. The Order of Abatement shall be deemed final if not appealed to the Code Enforcement Hearing Officer.

Within fifteen (15) days following service of the Order of Abatement, the cited property owner may file a written appeal with the Planning Director setting forth all reasons why the Order of Abatement should be modified or reversed.

1. The designated Code Enforcement Hearing Officer will be provided a copy of the Appeal by the Planning Director within 10 days of receipt.
2. The hearing will be set by the Hearing Officer within 30 days, unless a longer time is requested by the cited property owner and agreed to by the Planning Director and Hearing Officer.
3. The Planning Director or designee has the burden of proving a nuisance existed when the Order of Abatement was served.
4. The Hearing Officer may give consideration to the cited property owner's elimination of the nuisance subject to the Order at the time the hearing commences.
5. The cited property owner may present written and oral evidence to show there was no nuisance at the time the Order of Abatement issued and/or the hearing commenced.
6. The rules of evidence shall not apply to the hearing.
7. If the Hearing Officer finds a nuisance exists and no extraordinary circumstances warrant additional time to correct the nuisance, the cited property owner will be required to pay a \$1,000.00 fine.
8. If the Hearing Officer finds that additional time is warranted to correct the nuisance, the Hearing Officer shall identify a reasonable period of time to correct the violation, which shall be ordered by the Hearing Officer. If the violation is not corrected within the specified period of time, the Hearing Officer shall issue a ruling.
9. Enforcement of an Order of Abatement is stayed pending the Hearing Officer's ruling, which shall issue within 30 days of the close of the hearing.
10. The Hearing Officer's ruling shall be a final and binding decision with regard to the Order of Abatement.

Continuing Violations

A continuing violation of an Order of Abatement or following a Hearing Officer's ruling is deemed a separate violation for each and every day that such violation exists and is subject to a fine of \$500 for each day.

Continuing violations that exist following an Order of Abatement or following modification or affirmance by a Hearing Officer:

1. May be caused to be abated by the County, and any costs and/or reasonable administrative fees charged to the property owner, or failure to pay a lien will be recorded against the property;
2. Any fine and/or cost of abatement will be recorded as a lien against the property;
3. May be directed to the County Counsel to be pursued civilly ; and/ or
4. May be directed to the District Attorney for prosecution as a misdemeanor or an infraction subject to the District Attorney's discretion.

Remedies

All remedies provided for herein shall be cumulative and not exclusive. The conviction and punishment of any person, hereunder, shall not relieve such person from the responsibility of correcting prohibited conditions or removing prohibited buildings, structures or improvements, nor prevent the enforced correction or removal thereof.

Authority to issue criminal citations and make arrests.

In performing his or her duties under this section, the Sheriff and designated representatives shall have the authority and impunities of a public officer and employee as set forth in Penal Code Section 836.5, which include, but are not limited to: (1) making arrests without a warrant whenever he or she has reasonable cause to believe that the person to be arrested has committed a misdemeanor in his or her presence, which is a violation of this Title or applicable state codes; and (2) issuing field citations as a substitute for physical arrest.

Disclaimer of liability.

Nothing in this section shall be construed as requiring the County to enforce its prohibitions against all properties that may violate such prohibitions. The County envisions that this section will be enforced, in the County's prosecutorial discretion, as resources permit. This section is not intended to and shall not be construed or given effect in a manner that imposes upon the County or any officer or employee thereof a mandatory duty of care towards persons and property within or without the County so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Confidentiality in connection with Complaints.

The County shall take all reasonable steps to ensure that the identity of any person making a written Complaint to the County concerning a violation of this section or other applicable laws shall remain confidential. However, no enforcement action shall be taken beyond issuance of a notice to abate unless: (1) the complaining witness agrees to be identified upon request of the responsible party; or (2) the Planning Director or his designee, including but not limited to the Code Enforcement Officer has developed sufficient independent evidence to take further action.



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER
 19

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

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

FOR THE BOARD MEETING OF: February 4, 2014

SUBJECT: Approval of Minutes

DEPARTMENTAL RECOMMENDATION: - Request approval the minutes of the Board of Supervisors Meeting January 28, 2014.

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

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

OTHER AGENCY INVOLVEMENT: - n/a

FINANCING: n/a

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

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)

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

Date: _____