

MINUTES

County of Inyo Board of Supervisors

October 6, 2009

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 9:00 a.m., on Tuesday, October 6, 2009, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Beverly Brown presiding, Linda Arcularius, Susan Cash, Marty Fortney and Richard Cervantes. Supervisor Cervantes provided the Invocation, and Supervisor Fortney led the Pledge of Allegiance.

Closed Session The Chairperson recessed open session at 8:35 a.m., to convene in closed session to discuss and take action as appropriate on Agenda Items No. 1. **PERSONNEL (Pursuant to Government Code §54957)**- Public Employee Performance Evaluation – Title – Director Child Support Services; and No. 2. **CONFERENCE WITH LABOR NEGOTIATOR (Pursuant to Government Code §54957.6)** – Instructions to Negotiators re: wages, salaries and benefits – Title - Director Child Support Services – Negotiator – as designated by the Board of Supervisors. The Chairperson recessed closed session at 9:35 a.m., to reconvene in open session at 9:45 a.m., with all Board Members present.

BofS/Nellis AFB Presentation The Board received a presentation from Lt. Colonel Red Walker, Squadron Commander from Nellis Air Force Base, on the Green Flag-West exercises to be conducted in areas around Big Pine and Lone Pine in October. Lt. Col. Walker and the Board discussed the importance of the training missions, with the Board offering their full support for the training exercises, as well as their support for the military and its efforts to keep our service men and woman safe as they fight to help protect our nation. At the end of the discussion Supervisor Fortney asked if there was a possibility of a fly-by in Independence during the 4th of July Celebration. Lt. Col. Walker said that he felt that was a real possibility and indicated that he would work with Supervisor Fortney to work out the details.

Public Comment The Chairperson announced the public comment period and there was no one from the public wishing to address the Board.

BofS/Capital Asset Leasing Corporation The Chairperson recessed the regular meeting at 10:00 a.m., to convene as the Capital Asset Leasing Corporation. The Capital Asset Leasing Corporation conducted its Annual Meeting (see separate minutes.)

County Dept. Reports The Chairperson announced the County Department Report period. Ms. Leslie Chapman, Auditor-Controller, informed the Board that as a result of urgency legislation to balance the State Budget, the State's employee withholding taxes would be increasing by 10% beginning the first of November. The Planning Director, Mr. Mike Conklin, notified the Board that the \$9-million grant for the Department has been approved, with \$399,800 available for this year.

Emerg. Serv./Mud Flow Continued Moved by Supervisor Cervantes and seconded by Supervisor Fortney to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.

Resol. #2009-40 Edwards AFB Airshow Support On a motion by Supervisor Cervantes and a second by Supervisor Fortney, Resolution No. 2009-40 titled "A Resolution of the Board of Supervisors County of Inyo, State of California, Supporting the Edwards Air Force Base Airshow," was approved: motion unanimously passed and adopted.

HHS-Misc./LGA Consortium Host County Agreement Moved by Supervisor Cervantes and seconded by Supervisor Fortney to A) ratify the Agreement between the County of Inyo and Marin County for host county services for the LGA Consortium for the period of July 1, 2009 through June 30, 2011, and authorize the Chairperson to sign; B) approve payment to Marin County for Host Entity Fees by May 31, 2010, for FY 2009-2010; and C) approve payment to Marin County for Host Entity Fees for FY 2010-2011 due by March 31, 2011, contingent upon the Board's adoption of future budgets. Motion carried unanimously.

HHS-Behavioral Hlth./Villa Merced Contract Amendment Moved by Supervisor Cervantes and seconded by Supervisor Fortney to approve Amendment One to the Contract between the County of Inyo and County Villa Merced Behavioral Health for residential placement of adults in a locked facility, increasing the Contract by \$50,000 to a total amount not to exceed \$80,000 for the period of July 1, 2009 through June 30, 2010; and authorize the Chairperson to sign. Motion carried unanimously.

HHS-Behavioral Hlth./G. Cook Contract Amendment Moved by Supervisor Cervantes and seconded by Supervisor Fortney to approve Amendment One to the Contract between the County of Inyo and Grace Cook, Ph.D., MFT for the provision of behavioral health services as part of the Mental Health Services Act Community Services and Supports Updated Plan, increasing the Contract by \$20,000 to a total amount not to exceed \$30,000 for the period of July 1, 2009 through June 30, 2010; and authorize the Chairperson to sign. Motion carried unanimously.

HHS-Hlth. Serv./Johnson Contract Amendment Moved by Supervisor Cervantes and seconded by Supervisor Fortney to approve Amendment Two to the Contract between the County of Inyo and Richard O. Johnson MD, for personal services as a Health Officer, increasing the Contract to an amount not to exceed \$484,398.30 for the period of November 1, 2007 through June 30, 2012, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign. Motion carried unanimously.

P.W./Materials Testing Contract Moved by Supervisor Cervantes and seconded by Supervisor Fortney to ratify and approve the Contract between the County of Inyo and Eastern Sierra Engineering for materials testing and inspection services for the North Barlow/Dixon Lanes Improvement Project for the period of September 28, 2009 through June 30, 2010, in the amount of \$27,000; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.

P.W./Caltrans Grant Application Moved by Supervisor Cervantes and seconded by Supervisor Fortney to authorize the submittal of the application for a Caltrans Highway Safety Improvement Program Grant and authorize the Public Works Director to execute the grant agreements and other documents related to the grant. Motion carried unanimously.

P.W./Janitorial Parts & Supplies P.O. Moved by Supervisor Cervantes and seconded by Supervisor Fortney to approve purchase orders for various parts and janitorial supplies as follows: A) to Grainger in an amount not to exceed \$30,000; and B) to Johnstone Supply in an amount not to exceed \$12,000. Motion carried unanimously.

P.W./Quincy Engineering Contract Moved by Supervisor Cervantes and seconded by Supervisor Fortney to approve the Contract between the County of Inyo and Quincy Engineering, Inc., for engineering design services for the Riverside Bridge Replacement Project in the amount of \$150,000 for the period of October 6, 2009 through June 30, 2011, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.

Rd. Dept./Big Pine Street Road Closure Moved by Supervisor Cervantes and seconded by Supervisor Fortney to approve the closure of Walnut St. to School St. in Big Pine on October 7, 2009 from approximately 12:00 p.m., to 2:00 p.m., for a joint Inyo County Probation Department and Big Pine High School simulation D.U.I. crash exercise. Motion carried unanimously.

Sheriff's/CodeRed Contract Moved by Supervisor Cervantes and seconded by Supervisor Fortney to approve the Contract between the County of Inyo and CodeRed Emergency Communications Network for emergency notification services, in an amount not to exceed \$10,000; and authorize the County Administrator to sign as the authorized Director of Emergency Services. Motion carried unanimously.

Auditor/Coso Impound The Auditor-Controller, Ms. Leslie Chapman, explained that Coso Geothermal has appealed their property taxes and as such she is recommending a portion of the disputed amount be impounded. She said she is recommending an impound amount of \$2-million. Ms. Chapman provided additional information and further justification for the recommendation. Moved by Supervisor Arcularius and seconded by Supervisor Cash to approve impounding disputed unsecured property taxes collected by the County from Coso Geothermal in the amount recommended by the Auditor. Motion carried unanimously.

HHS-Behavioral Health/Position Request

The Director of Behavioral Health, Dr. Gail Zweir, provided additional information and further justification for the recommended positions being requested. Moved by Supervisor Arcularius and seconded by Supervisor Cash to find that consistent with the adopted Authorized Position Review Policy:

A) the availability of funding for the requested positions exists as certified by the Director of Health and Human Services and concurred with by the County Administrator and Auditor-Controller and where internal candidates meet the qualifications for the positions, the vacancies could be filled through internal recruitment, although there may not be sufficient internal applicants to fill the requested positions, thus necessitating an open recruitment; and

B) approve the hiring of the following vacancies within the Behavioral Health Division and approve the "backfill" of these positions should vacancies be filled from within the HHS Department, including direction to the Personnel Department regarding counseling to prospective candidates on the impact of changing positions should lay-off procedures be implemented:

- One Adult Program Chief at Range 84 (\$5,777 - \$7,022);
- One APAR Addictions Counselor I (\$16.33 to \$19.84 per hour) or II (\$17.53 to \$21.29 per hour) contingent upon the qualifications of the applicants;
- Two Case Manager positions at I, Range 57 (\$3,046 - \$3,701), or II at Range 60 (\$3,271 – 3,973) or III at Range 64 (\$3,590 - \$4,363) contingent upon the qualifications of the applicants;
- One APAR Health and Human Services Specialist (HHS) (\$14.89 - \$18.12 per hour); and
- One BPAR Progress House Health and Human Services Specialist (\$14.89 - \$18.12 per hour).

Motion carried unanimously.

BofS/Save the Klondike Comm.

Representatives of the Save the Klondike Committee addressed the Board to review their requests regarding Klondike Lake and its access. The Chairperson requested clarification regarding which individuals would be representing the positions of the Committee. Mr. Russ Markman and Mr. Tim Barnes responded that they were the spokespersons for the group. The Board discussed the Committee's concerns and reiterated its position of support for the group and encouraged the Save the Klondike Committee to continue working with LADWP to identify mutually acceptable alternatives. Mr. Clarence Martin, LA Department of Water and Power, provided statistics regarding this year's usage and boat inspections on Klondike Lake. Ms. Kammi Foote, Bishop resident, addressed the Board to provide her views on the responsibilities of DWP and the County regarding Klondike Lake as a mitigation project under the Long Term Water Agreement. Ms. Kelly Clark, Big Pine resident, addressed the Board to express her opinion on how important keeping Klondike Lake open is to the local residents. The Board and the group continued to discuss the Committee's desires regarding Klondike Lake. The Board reiterated its commitment to continue to provide Board of Supervisors Ad Hoc representation to the Save the Klondike Committee, with Supervisor Cash committing to scheduling the next meeting. Ms. Bennett Kessler, Independence Resident, questioned the Board on their position regarding responsibilities for keeping Klondike Lake open, with the Board explaining that they continue to support the Save the Klondike Committee and the Department of Water and Power working together to resolve their issues. Supervisor Arcularius clarified that LADWP has not closed Klondike Lake.

Recess/Reconvene

The Chairperson recessed the regular meeting at 12:05 p.m., to reconvene in open session at 1:15 p.m., with all Board Members present. The Chairperson immediately recessed open session to convene in a workshop.

Workshop Sr. Center Usage

The Board convened in a workshop with representatives of the Health and Human Services Department to receive information on the Senior Centers usage. Statistical information provided by the Department regarding the usage of the Senior Centers was given to the Board. Because of the amount of the information provided the Board requested that the Department reschedule the workshop in order to provide the Board sufficient time to review the information. The Chairperson recessed the workshop at 1:20 p.m., to reconvene in open session with all Board Members present.

HHS-Senior Serv./
Position Request

Ms. Jean Turner, Director of Health and Human Services, provided the Board with a revised recommendation regarding the request to restructure the Senior Program. Ms. Turner reviewed the proposed changes in the recommendation. Moved by Supervisor Fortney and seconded by Supervisor Cash to find that consistent with the adopted Authorized Position Review Policy:

A) the availability of funding for the requested positions exists, as certified by the Director of Health and Human Services and concurred with by the County Administrator and Auditor-Controller and where internal candidates meet the qualifications for the positions, the vacancies could be filled through internal recruitment, although there may not be sufficient internal applicants to fill the requested positions, thus necessitating an open recruitment;

B) approve the restructuring of IMAAA operations as recommended by Staff, effective October 16, 2009, including

1. convert all existing Drivers, Homemakers, and Personal Care Aides to Program Services Assistants at the appropriate range and salary step;
2. create the new position of Tecopa Operations Manager, at Range 63 (\$3,502 – \$4,261) and approve the job description;
3. change the authorized strength within the Department by
 - adding one full time Tecopa Operations Manager at Range 63 and deleting the position that becomes vacant as a result of filling this position;
 - adding one full time HHS Specialist position in Tecopa at Range 53 (\$2,779 - \$3,380) and deleting one BPAR Social Worker II position at Range 64PT (\$19.24 – \$23.38 per hour) and one BPAR HHS Specialist position at Range 53PT (\$14.89 - \$18.12 per hour); and
 - adding one BPAR Assistant Site Coordinator position at Range 50 PT (\$13.90 - \$16.87 per hour);

C) authorize the recruitment of the following as amended, including direction to the Personnel Department regarding counseling to prospective candidates on the impact of changing positions should lay-off procedures be implemented:

- one full time Tecopa Operations Manager, at Range 63 (internal recruitment);
- one full time HHS Specialist at Range 53 (\$2,779 - \$3,380) **and authorize the Department to hire a temporary HHS Specialist to fill this position on an emergency basis to meet senior needs in Southeast Inyo, as the current Driver position will be vacated 10/15/09;**
- one BPAR Assistant Site Coordinator at Range 43PT (\$11.83 - \$14.39 per hour);
- one BPAR Site Coordinator at Range 50PT;
- ~~one APAR Assistant Cook at Range 42PT (\$11.55 – \$14.05 per hour);~~
- ~~two~~ **three** APAR Program Services Assistants at Range 39PT (\$10.80 - \$13.12 per hour); and

D) amend the FY 2009-10 IMAAA Budget Unit 612500 as recommended to reflect both the eliminated positions that resulted from FY2009-10 State budget cuts; and from the personnel changes outlined above. Motion carried unanimously.

Auditor-Treasurer-
CAO/GASB 45

The Auditor-Controller, Ms. Leslie Chapman, introduced Mr. Lou Filliger of Dempsey and Filliger, the County's Consulting Actuarial, who provided information pertaining to the requirements of Governmental Accounting Standards Board Statement 45 (GASB 45) as it relates to the County's funding of Other Post Employment Benefits (OPEB), particularly retiree health care costs. He reviewed how the actuarial is developed, how and why discount rates can be applied to change the County's GASB 45 liability, reviewed the need to develop a GASB 45 contribution and funding policy for retiree health care costs to take advantage of better discount rates, and discussed the alternatives available from the "pay as you go" option to the creation and funding of an irrevocable trust for the accrual of future retiree healthcare costs. The Board noted that this year's budget included \$2-million that was set aside to begin funding future retiree healthcare costs, as well as this year's actual retiree healthcare amount. The Board, Mr. Filliger and staff discussed the various options, with the consensus of the Board supporting the creation of an irrevocable trust. At the conclusion of Mr. Filliger's presentation, the Board directed Staff to proceed with a recommendation for the creation and funding of an irrevocable trust for retiree healthcare benefits to be returned for Board of Supervisors consideration as soon as feasible.

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

Planning/RETI &
DRECP
Correspondence The Board and Planning Staff discussed the proposed letters to the California Energy Commission regarding the Renewable Energy Transmission Initiative (RETI) and the Desert Renewable Energy Conservation Plan (DRECP). The Board provided direction to Staff regarding amending the letters including sending letters to our Congressional Representatives to apprise them of the County's position. The Board directed Staff to revise the letters as discussed and bring the letters back for Board consideration at a future meeting.

Planning/Natural
Resource Advisory
Committee
Appointments The Board and Staff discussed the requests for appointment to the Natural Resource Advisory Committee. Supervisor Cervantes identified his concerns that no one from the southern part of the County had applied and suggested that the Board extend the recruitment. He noted that Mr. Mike Patterson, the owner of Cerro Gordo, who had recently passed away very suddenly, had expressed a desire to serve on the Committee. The Board continued to discuss the applications and Supervisor Cervantes' suggestion, with the Board noting that the recruitment was sufficient to garner 8 applicants from other areas of the County and if there were people interested in the southern part of the County they had ample time to submit their requests for appointment. The Board also noted that the establishment of the Committee membership did not provide for supervisorial district representation, it was countywide. Supervisor Brown noted that one of the applicants is married to her cousin and one of the applicants is her brother-in-law. She said that she had no conflict and would participate in the decisions regarding the membership. The Board discussed how the appointments would be made, with the resulting motions.

Moved by Supervisor Arcularius and seconded by Supervisor Cash to appoint David Tanksley as a regular member on the Natural Resource Advisory Committee to serve a three year term ending October 6, 2012. Motion carried unanimously.

Moved by Supervisor Cash and seconded by Supervisor Fortney to appoint Carl Hoelscher as a regular member on the Natural Resource Advisory Committee to serve a three year term ending October 6, 2012. Motion carried unanimously.

Moved by Supervisor Fortney and seconded by Supervisor Arcularius to appoint Greg Weirick as a regular member on the Natural Resource Advisory Committee to serve a three year term ending October 6, 2012. Motion carried on a four-to-one vote, with Supervisors Arcularius, Brown, Fortney and Cervantes voting yes and with Supervisor Cash voting no. Supervisor Cash noted that she had wanted Mr. Weirick for one of the alternate positions as the reason for her vote.

Moved by Supervisor Arcularius and seconded by Supervisor Cash to appoint Jim Scott as a regular member on the Natural Resource Advisory Committee to serve a three year term ending October 6, 2012. Motion carried unanimously.

Moved by Supervisor Arcularius and seconded by Supervisor Cash to appoint Doug Hicks as a regular member on the Natural Resource Advisory Committee to serve a three year term ending October 6, 2012. Motion carried on a four-to-one vote, with Supervisors Arcularius, Cash, Fortney and Cervantes voting yes, and with Supervisor Brown voting no.

Moved by Supervisor Fortney and seconded by Supervisor Cash to appoint Tyson Sparrow as an alternate member on the Natural Resource Advisory Committee to serve a three year term ending October 6, 2012. Motion carried unanimously.

Moved by Supervisor Arcularius and seconded by Supervisor Cash to appoint David Beaver as an alternate member on the Natural Resource Advisory Committee to serve a three year term ending October 6, 2012. Motion carried on a four-to-one vote, with Supervisors Arcularius, Cash, Fortney and Cervantes voting yes, and with Supervisor Brown voting no. Supervisor Brown noted Mr. Beaver being not very vocal as the reason for her vote.

At the conclusion of the motions, the Board thanked Mr. David German, the remaining applicant, for his interest and directed that a thank you letter be sent.

Clerk-Recorder-
Elections/Corrected
Statement of Votes
Cast

The County Clerk-Recorder, Ms. Mary Roper, provided additional information and further justification for the Board to issue a corrected Statement of All Votes Cast at the Primary Election held January 3, 2009. She explained that the correction deletes the Marshall's office, which County Counsel has determined should not have been on the ballot because the office did not exist at the time of the election and does not exist in Inyo County. Mr. Floyd J. Barton, the person who was listed on the Ballot as being elected Marshall, addressed the Board. He presented the Board with a letter disagreeing with the County Counsel's opinion and providing information on why he believes the position of Marshal does exist in Inyo County. The Board and Mr. Barton discussed his opinion at length and in detail. County Counsel, Mr. Randy Keller, responded to questions from the Board, confirming that only the California Legislature can determine elected positions for counties and that there is no legislation which establishes the position of Marshall in Inyo County. Supervisor Cash asked for a brief recess before the Board took action on this item. The Chairperson recessed the regular meeting at 4:10 p.m., to reconvene in open session at 4:20 p.m., with all Board Members present. Moved by Supervisor Arcularius and seconded by Supervisor Cash to issue an order accepting the corrected Statement of All Votes Cast at the Primary Election held June 3, 2009 and declare elected those offices under their jurisdiction for this election, and declare passed or failed those measures under their jurisdiction for this election, according to the number of votes for each as shown on the Statements of All Votes Cast. Motion carried unanimously.

Integ. Waste/
Position Request

Moved by Supervisor Cash and seconded by Supervisor Arcularius to find consistent with the Adopted Authorized Position Review Policy:

A) the availability of funding for the requested position comes from the General Fund and certain Non-General Fund Departments (75% Motor Pool and 25% Parks and Recreation) as certified by the Department Head and concurred with by the County Administrator and Auditor-Controller;

B) the vacancy can be filled by internal candidates meeting the qualifications for the position; and

C) approve the internal recruitment and hiring of an Account Technician I at Range 55 (\$2,825 - \$3,334) or II at Range 59 (\$3,194 - \$3,880) depending upon the qualifications of the candidates, with direction to the Personnel Department regarding counseling to prospective candidates on the impact of changing positions should lay-off procedures be implemented. Motion carried unanimously.

Fish and Game/
Commission
Appointments

Supervisor Fortney suggested that the appointments to the new Inyo Fish and Wildlife Commission be made as the first two people listed on the Agenda to serve the two-year terms and the remaining three people listed to serve the four-year terms. Supervisor Brown acknowledged that Doug Brown is her brother-in-law. She confirmed that she had no conflict and would participate in the decision regarding the appointments to the Inyo Fish and Wildlife Commission. Moved by Supervisor Fortney and seconded by Supervisor Cash to appoint the following to the Inyo Fish and Wildlife Commission to serve initial staggered terms per Resolution No. 2009-32 as follows: Doug Brown and Gary Gunsolley to serve two year terms ending October 6, 2011 and Bruce Ivey, Joe Pecsí and Garrett McMurtrie to serve four year terms ending October 6, 2013. Motion carried unanimously.

BofS/Minute
Approval

Moved by Supervisor Cervantes and seconded by Supervisor Fortney to approve the minutes of the Board of Supervisors meetings of A) September 8, 2009 Budget Hearings; and B) September 15, 2009 Regular Meeting. Motion carried unanimously.

Public Comment

Mr. Justin Barton asked if the Tecopa Sewer Pond was requiring a certified operator. The County Administrator told Mr. Barton that he would have staff follow-up with him on this.

Board Member and
Staff Reports

The Board Members reported on their activities during the preceding week, including a BLM Meeting, a CSAC Budget Task Force Meeting, the RCRC Conference, a Healthy Communities meeting, the dedication of the naming of the handicap ramp at Diaz Lake, announcement that this is Fire Prevention Week, an EMCC meeting, a Carson Colorado Railroad Meeting, the Millpond Music Festival, an IMAAA Meeting, a FAC meeting, a State Invasive Species Advisory Council meeting, an LTC meeting, and an ESTA meeting.

- Closed Session The Chairperson recessed open session at 5:00 p.m., to reconvene in closed session to discuss and take action as appropriate on Agenda Items No. 32. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Pursuant to Government Code §54956.9(c)** – decision whether to initiate litigation (one case); and No. 33. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** -Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Deputy Sheriff’s Association (DSA) - Negotiators: Undersheriff Jim Jones, Labor Relations Administrator Sue Dishion and Deputy County Counsel Susanne Rizo.
- Report on Closed Session The Chairperson recessed closed session at 7:00 p.m., to reconvene in open session to receive a report on closed session. County Counsel reported there were no actions taken in closed session, which are required by law to be reported on in open session.
- Adjournment The Chairperson adjourned the regular meeting at 7:00 p.m., to 9:00 a.m., Tuesday, October 13, 2009, in the Board of Supervisors Room, at the County Administrative Center, in Independence.

Chairperson, Inyo County Board of Supervisors

Attest: *KEVIN D. CARUNCHIO*
Clerk of the Board

by: _____
Patricia Gunsolley, Assistant