

# MINUTES

# County of Inyo Board of Supervisors

## May 4, 2010

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, May 4, 2010, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Richard Cervantes presiding, Linda Arcularius, Susan Cash, and Marty Fortney. Supervisor Brown was absent. Supervisor Cervantes provided the Invocation, and Supervisor Cash led the Pledge of Allegiance.

- Public Comment      The Chairperson announced the public comment period and Sharon Avey of Independence addressed the Board to share her concern with LADWP tearing down another building in Independence.
- County Department Reports      The Chairperson announced the County Department Report period. Mr. Josh Hart, Planning Director, informed the Board that Southern California Edison has accepted the County's proposal for a strategic planning grant and contract negotiations are underway. Mr. Jon Klusmire, Museum Services Director, updated the Board on County advertising efforts. He also updated the Board on upcoming projects at the Commanders House. Dr. Bob Harrington, Water Director, updated the Board on the Coso Hay Ranch pumping project.
- Emerg. Serv./Oak Creek Mud Flow      Moved by Supervisor Fortney and seconded by Supervisor Cash to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously, with Supervisor Brown absent.
- Fish and Wildlife/ McIntosh Appointment      Moved by Supervisor Fortney and seconded by Supervisor Cash to appoint Mr. Larry McIntosh to the Voting Alternate Position on the Inyo Fish and Wildlife Commission to complete a four-year term ending October 6, 2013. Motion carried unanimously, with Supervisor Brown absent.
- HHS-Soc. Serv./ Vehicle Purchases      Moved by Supervisor Fortney and seconded by Supervisor Cash to authorize the purchase of the following from Eastern Sierra Motors: (a) one 2010 Ford Focus SE 4-door Sedan in the amount of \$15,759.92; and (b) one 2010 Ford Escape 4x4 XLT in the amount of \$21,982.69; for a total amount not to exceed \$37,742.61; and authorize the Deputy County Administrator to sign all purchase documents. Motion carried unanimously, with Supervisor Brown absent.
- HHS-HIV Serv./ State Contract Amendment      Moved by Supervisor Fortney and seconded by Supervisor Cash to approve Amendment No. 3 to the Agreement between the County of Inyo and the State of California for HIV Prevention, HIV counseling and testing, HIV/AIDS surveillance and HIV care and support services, increasing the grant by \$52,691 from a total amount of \$94,460 to a total amount of \$147,151 for the period of July 1, 2007 through June 30, 2010; and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Brown absent.
- HHS-Mental Hlth Serv./MHSA CSS & PEI Plan Update      Moved by Supervisor Fortney and seconded by Supervisor Cash to approve the submission of the MHSA CSS and PEI 10/11 Plan Update to access the full CSS planning amount of \$899,900 and the full PEI planning estimate of \$147,400 under the approved MHSA Agreement and authorize the Behavioral Health Director to sign. Motion carried unanimously, with Supervisor Brown absent.
- Rd. Dept./Granite Rd. Materials Agreement      Moved by Supervisor Fortney and seconded by Supervisor Cash to approve the Agreement between the County of Inyo and Granite Construction to accept grindings to be used as road materials and authorize the Public Works Director to sign the agreement. Motion carried unanimously, with Supervisor Brown absent.
- BofS/Support Letter Southern Inyo Hospital Loan App.      Moved by Supervisor Fortney and seconded by Supervisor Cervantes to approve the letter to the USDA Rural Development in support of the Southern Inyo Hospital Loan Application and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Brown absent.

Rd. Dept./Not Accepting Manzanar Frontage Road	Moved by Supervisor Fortney and seconded by Supervisor Cash to not accept the offer of relinquishment of the Manzanar Frontage Road created by the realignment of US 395 and authorize the Public Works Director to submit correspondence to Caltrans regarding the Board's decision. Motion carried unanimously, with Supervisor Brown absent.
Water/Standing Comm. Meeting Agenda	Dr. Bob Harrington, Inyo County Water Director, provided the Board with a copy of the draft agenda for the upcoming Standing Water Committee Meeting in Los Angeles on Wednesday, May 6, 2010. Dr. Harrington and the Board reviewed the agenda items in detail and at length. The Board agreed with Staff's recommendations regarding the items.
Recess/Reconvene	The Chairperson recessed the regular meeting at 10:55 a.m., to reconvene at 11:05 a.m., with all Board Members present, except Supervisor Brown.
Public Defender/ Budget Amendment	The County Administrator provided additional information and further justification for the request to increase the Public Defender Budget by \$150,000. He noted several high profile cases that have significantly impacted this budget. He provided information regarding a meeting he and County Counsel had with the Judges regarding measures to control expenditures in this budget. Mr. Carunchio said that basically the Board of Supervisors is responsible for funding a budget over which it has no expenditure control. He and the Board talked about the definition of indigent and the County's ability to recover Public Defender costs. Mr. Carunchio said that after talking with the Judges there was a commitment to, in the future, provide better advanced notice when out of contract appointments are made, but for right now, it is the Judges' position that our Contract Public Defenders couldn't full fill their duties and carry their normal caseloads. He went on to say that one of the real positive outcomes of the meeting with the Judges was a recommitment to separate contract issues, which are between the County and its contract attorneys for Public Defender services from the need to appoint attorneys to serve the indigent. The Board and Mr. Carunchio discussed the need to address the County's public safety system as a whole, because it is a whole system that includes the Courts, Law Enforcement, DA, Probation, Public Defenders, etc. Moved by Supervisor Cash and seconded by Supervisor Arcularius to amend the FY 2010-2011 County Budget as follows: A) increase appropriations in Public Defender Budget Unit 022600, by \$150,000 in Professional and Special Services ( <i>Object Code #5265</i> ); B) decrease appropriations in the General Revenue and Expenditures Budget Unit 011900 by \$150,000 in Operating Transfers Out ( <i>Object Code #5801</i> ); and decrease estimated revenue in the ICOE SRAF Budget Unit 900975 by \$150,000 in Operating Transfers In ( <i>Revenue Code #4998</i> ); with further direction to pursue at whatever level necessary a larger discussion about our whole public safety system in the County. Motion carried unanimously, with Supervisor Brown absent.
Public Comment	The Chairperson announced the public comment period and there was no one from the public wishing to address the Board.
Closed Session	The Chairperson recessed open session at 11:55 a.m., to convene in closed session, with all Board Members present, except Supervisor Brown, to discuss and take action as appropriate on Agenda Items No. 14. <b>PERSONNEL [Pursuant to Government Code §54957]</b> – Public Employee Performance Evaluation – Title – Child Support Services Director; No. 16. <b>CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]</b> – Instructions to Negotiators re: wages, salaries and benefits – Title – Director of Child Support Services – Negotiator – As designated by the Board of Supervisors; and No. 15A. <b>CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(a)]</b> – <i>Judy Starr McCormick v. Inyo County and Director of Health and Human Services</i> , Inyo County Superior Court Case No. SICVPT 10-50203.
Report on Closed Session	The Chairperson recessed closed session at 12:35 p.m., to reconvene in open session, with all Board Members present except Supervisor Brown, to receive a report on closed. County Counsel reported that with regard to No. 15A. <b>CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(a)]</b> – <i>Judy Starr McCormick v. Inyo County and Director of Health and Human Services</i> , Inyo County Superior Court Case No. SICVPT 10-50203, which is a petition for a Writ of Administrative Mandamas, the Board in a unanimous vote, with Supervisors Arcularius, Cash, Fortney and Cervantes voting yes, and with Supervisor Brown absent, directed the Office of County Counsel to defend the County in this case.

Board Members and Staff Reports      The Board Members reported on their activities during the preceding week, including a legislative update, an RCRC Board of Directors Meeting, a LAFCO Meeting, various constituent events, notification of an upcoming Fish and Wildlife Advisory Committee meeting, a Southern Inyo Hospital Board Meeting, and the Wild Wild West Marathon.

Adjournment      The Chairperson adjourned the regular meeting at 1:05 p.m., to 9:00 a.m., Tuesday, May 11, 2010 in the Board of Supervisors Room, at the County Administrative Center, in Independence.

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

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*Chairperson, Inyo County Board of Supervisors*

*by: \_\_\_\_\_  
Patricia Gunsolley, Assistant*