

MINUTES

County of Inyo Board of Supervisors

May 18, 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 18, 2010, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Richard Cervantes presiding, Linda Arcularius, Susan Cash, Beverly Brown, and Marty Fortney. Supervisor Cervantes provided the Invocation, and Supervisor Cash led the Pledge of Allegiance.

- Public Comment The Chairperson announced the public comment period and there was no one from the public wishing to address the Board.
- County Department Reports The Chairperson announced the County Department Report Period. Ms. Linda Anisman, Director of Child Support Services, reported that the Governors budget did not impact her Department. Ms. Jean Turner, Director of Health and Human Services, provided the Board with a copy of the results of the Departments Customer Service Evaluation. Mr. Chuck Hamilton, Deputy County Administrator, notified the Board that the playground equipment is installed at Millpond. Mr. Josh Hart, Planning Director, reported on the first meeting with Death Valley staff on the Backcountry Wilderness Use Plan.
- Emerg. Serv./Oak Creek Mud Flow Moved by Supervisor Cash and seconded by Supervisor Fortney to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.
- Integ. Waste/San Joaquin Valley APCD Filter P.O. Moved by Supervisor Cash and seconded by Supervisor Fortney to ratify the Agreement between the San Joaquin Valley Air Pollution Control District and the County of Inyo accepting a grant from the Carl Moyer Grant Program in the amount of \$21,824.06 for the purchase of a Diesel Particulate Emission Control Filter, contingent upon the adoption of future budgets; and authorize the Deputy County Administrator to sign, contingent upon appropriate signatures being obtained. Motion carried unanimously.
- HHS-Behavioral Hlth. Serv./Crestwood Contract Amendment Moved by Supervisor Cash and seconded by Supervisor Fortney to approve Amendment No. 2 to the Contract between the County of Inyo and Crestwood Behavioral Health, Inc., for residential placement for adults in a locked facility and Mental Health Rehabilitation Centers, increasing the Contract by \$10,000 to a total not to exceed \$50,000 for the period of July 1, 2009 through June 30, 2010; and authorize the Chairperson to sign. Motion carried unanimously.
- HHS-Behavioral Hlth. Serv./AODS State Contract Moved by Supervisor Cash and seconded by Supervisor Fortney to approve the Contract between the County of Inyo and the State of California Department of Alcohol and Drug Programs for the provision of alcohol and drug prevention and intervention services for the period of July 1, 2010, through June 30, 2013, in the annual amount of \$501,701 for a total amount of \$1,505,103, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign. Motion carried unanimously.
- HHS-Behavioral Hlth. Serv./NNA Contract Amendment Moved by Supervisor Cash and seconded by Supervisor Fortney to approve the FY 2009-2010 V.2 Amended Negotiated Net Amount (NNA) Contract between the County of Inyo and the State of California, Department of Alcohol and Drug Programs, increasing the Contract by \$6,475 to a total of \$494,838 for FY 2009-2010 and a total Contract amount of \$1,476,897 for the period of July 1, 2007 through June 30, 2010; and authorize the Chairperson to sign. Motion carried unanimously.
- HHS-Hlth. Serv./Horan Contract Moved by Supervisor Cash and seconded by Supervisor Fortney to approve the Contract between the County of Inyo and Pamela Horan, R.D., for provision of registered dietician services for the period of May 2, 2010 through September 30, 2010, in an amount not to exceed \$23,759.68, contingent upon the Board's adoption of a FY 2010-2011 Budget; and authorize the Chairperson to sign. Motion carried unanimously.

Planning/Willdan Contract Amendment	Moved by Supervisor Cash and seconded by Supervisor Fortney to approve Amendment No. 3 to the Contract between the County of Inyo and Willdan Engineering for the provision of Professional Planning Services to update the Inyo County General Plan and Zoning Ordinance and amending the Scope of Work to provide coordination efforts, and amending the term of the Contract to extend the Contract one year to June 30, 2011, contingent upon the Board's adoption of a FY 2010-2011 Budget; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
Rd. Dept./Federal Exchange Program Agreement	Moved by Supervisor Cash and seconded by Supervisor Fortney to approve the 2009-2010 Federal Apportionment Exchange Program and State Match Program Agreement with the California Department of Transportation in the amount of \$673,353 plus a State match of \$100,000 for a total not to exceed \$773,353; and authorize the Chairperson to sign. Motion carried unanimously.
Rd. Dept./Cost Accounting Program Agreement	Moved by Supervisor Cash and seconded by Supervisor Fortney to approve the Agreement between the County of Inyo and Cascade Software Systems, Inc., for the provision of software maintenance and support services for the Road Department's Cost Accounting Program, for the period of July 1, 2010 through June 30, 2011, in an amount not to exceed \$14,297,57, contingent upon the Board's adoption of a FY 2010-2011 Budget; and authorize the Chairperson to sign. Motion carried unanimously.
BofS/AB 1648 Fire Truck Operators Licensing Legislation	Supervisor Fortney explained that after looking at AB 1648 language and its implications regarding local Fire Districts' liability should they license their own Fire Truck Operators, he wanted to find out if the local Fire Departments were supporting the legislation. He said that he had spoken with representatives from each of the Departments and had received, either verbal, email or letter support for the legislation. He said that many of the Department's had already looked into liability insurance should amended language not be developed. Supervisor Fortney requested that a letter also be sent to Senator Ashburn. Supervisor Arcularius updated the Board on the status of AB 1648, explaining that Paul Smith of RCRC had notified her this morning that it had passed the Assembly and was moving to the Senate. Moved by Supervisor Fortney and seconded by Supervisor Brown to approve the letter to our State Legislators supporting AB 1648 concerning the licensing of Fire Truck Operators. Motion carried unanimously.
CAO-Budget/Third Quarter Budget Review and Approval	<p>The County Administrator, Mr. Kevin Carunchio, acknowledged Leslie Chapman, Auditor-Controller and Randi Chegwidan, Budget Analyst, for their work in preparing Third Quarter. He presented the FY 2009-2010 County Third Quarter Financial Report, in detail and at length. He noted that Third Quarter included a newly created Natural Resource Development Budget. He also addressed State Budget issues that may impact the FY 2010-2011 County Budget. At the conclusion of the County Administrator's remarks, the Board discussed departmental budget status with the Public Works Director and the Sheriff.</p> <p>Mr. Pederson talked about issues in various budgets in his Department, including the Airports and road projects funded through Prop 42 and 1B. The Board expressed a desire to be kept better informed by the Department Head regarding impending revenue problems. The Board also supported the development of a three-year plan for Public Works budgets. The Board also talked about establishing the policy to require that three-year plans be developed when proposition funding, i.e., Prop 42, is allocated to the County, with the suggestion being made that this policy be recommended by the FAC. The Board and Mr. Pedersen discussed the Road billing process, as well as reasons why the Department uses outside engineering firms. Mr. Pedersen explained that the Road billing runs about three months in the arrears because of the process and it should be current to within three months by June. He also explained that the use of outside engineering firms is because the expertise required through the contracts is not available within the Department.</p> <p>The Board went on to discuss the overtime budget with the Sheriff. The Sheriff and the Board took the opportunity to discuss potential impacts to the Sheriff's budgets in light of proposals to shift non-violent prisoners back to local jurisdictions. The Sheriff clarified that the prisoners would be returned to the County of residency, not where the crime was committed or adjudicated. He said that alternative solutions would need to be implemented, i.e., monitoring bracelets, self-directed probation, probation check-in centers, etc. The Board and Sheriff talked about the authorized strength of the Department and the current vacancies.</p>

Moved by Supervisor Cash and seconded by Supervisor Arcularius to A) approve the specific budget action items and recommendations discussed in the report and represented in Attachments A and B of the Report, and authorize the Auditor-Controller to make the budget adjustments as listed in Attachments A and B; B) authorize the County Administrator and Auditor-Controller to make year-end adjustments, as necessary within each fund; C) authorize the Auditor-Controller to transfer \$1,291,955 in revenue from the Proposition 1A Securitization to the Computer System Fund; D) approve the Preliminary FY 2010-2011 Budget Calendar with regard to the proposed dates for the Budget Hearings and adoption of the Final Budget; E) direct the County Administrator and Auditor-Controller to prepare a rollover budget for the start of FY 2010-2011 and present it for approval on June 15, 2010; and F) direct the Public Works Director to prepare a three year budget plan for Public Works and a plan for Prop 41 and 1B funds, including personnel and equipment limitations. Motion carried unanimously. At the conclusion of the motion the Board and Department Heads went on to discuss potential impacts from the Governor's May Revise Budget.

CAO-Purchasing/
Local and Small
Business
Preference

The Chairperson opened the public hearing at 12:05 p.m., on an ordinance titled "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Adding Chapter 6.06 to the Inyo County Code to Provide Contracting Preferences for Local and Small Businesses." The County Administrator noted that the references to disabled veterans preference had been removed. He said that in further research of the issue it was learned that Public Contract Code does not provide for a disabled veterans preference; and that since the category would only be eligible for the same preference as local and small business on non-public contract projects, that designation was no longer necessary. Mr. Dan Stone of the Owens Valley Contractors Association addressed the Board to support the adoption of this ordinance. No other members of the public wished to speak regarding this ordinance, and the Chairperson closed the public hearing at 12:10 p.m.

Moved by Supervisor Arcularius and seconded by Supervisor Cash to waive the first reading of the ordinance and schedule the enactment for 11:00 a.m., Tuesday, May 25, 2010, in the Board of Supervisors Room, at the County Administrative Center in Independence. Motion carried unanimously.

Recess/
Reconvene

The Chairperson recessed the regular meeting at 12:10 p.m., to reconvene at 1:15 p.m., in open session, with all Board Members present.

Clerk-Recorder/
VitalCheck Network
Contract

The Assistant Clerk-Recorder, Ms. Kammi Foote, provided additional information and further justification for the Contract to provide remote ordering for certified birth, death and marriage certificates. The Board and Ms. Foote discussed how the ordering process worked, with Ms. Foote confirming that no protected personal data would be transmitted electronically as a result of this system being installed because this is just facilitating and expediting the ordering process.

Moved by Supervisor Fortney and seconded by Supervisor Brown to declare LexisNexis VitalCheck Network, Inc., the sole-source provider for the Clerk-Recorder's remote order system for certified copies of birth, death and marriage certificates; approve the Contract between the County of Inyo and LexisNexis for installing the (a) remote order, processing and delivery system for vital records (birth, death and marriage certificates) and (b) the point of sale counter payment solution at no cost to the County; and authorize the Chairperson to sign. Motion carried unanimously.

Ag. Comm./2009
Crop Report

The Agricultural Commissioner, Mr. George Milovich, presented the 2009 Annual Crop and Livestock Report. He reviewed the data in detail, highlighted some of the statistics that impacted Inyo County's economy. The Board and Mr. Milovich noted that the precipitation chart on the last pages is only reflective of the water statistics through the first part of April, and that as a result of storms at the end of April and beginning of May, those numbers would have been significantly higher.

HHS-Behavioral
Hlth. Serv./APAR
HHS Specialists

Moved by Supervisor Cash and seconded by Supervisor Fortney 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 Health and Human Services Director and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates meet the qualifications for the position, the vacancy could possibly be filled through an internal recruitment, but an open recruitment would be more appropriate to ensure qualified applicants apply; and C) approve the hiring of two APAR Health and Human Services Specialists (HHS Specialists) at Range 053PT (\$14.89/hr.); and further direct Personnel to counsel County employees who may be candidates for the position of the effect of the County's lay off procedures on changes in position. Motion carried unanimously.

Planning-Yucca Mt./ DOE Reallocation of Coop Agreement to Grant Project	Moved by Supervisor Arcularius and seconded by Supervisor Brown to direct staff to submit a letter to the U.S. Department of Energy requesting the reallocation of monies from the Cooperative Agreement (DE-FC28-06RW12368) to the Grant (DE-RW0000233) and change the Grant Project Description – Year 1. Motion carried unanimously.
Planning/PILT Policy	The Board and the Planning Director, Mr. Josh Hart, discussed the disparity of Inyo County's PILT payment in comparison to other counties, like San Bernardino, that don't have anywhere near the acreage of federal lands as Inyo County. Supervisor Arcularius explained that she felt it was important for the County to have a strategy on how to fix the inequities. The Board and staff discussed the pros and cons of highlighting the issue. The Board discussed the types of formulas used to establish PILT levels and talked about the need to not have Inyo County's formula based on population. The Board discussed participating in the Quad State Alliance and/or the Western States Alliance both of which address the issue of PILT. The County Administrator suggested Staff get in touch with the two organizations to follow-up on participation requirements and to schedule a workshop.
Parks/Diaz Lake Concessionaire Contract	Supervisor Brown recused herself because her husband works for a firm that is a concessionaire for the County. The Deputy County Administrator, Mr. Chuck Hamilton, provided additional information and further justification for awarding the Diaz Lake Concessionaire Contract to Owenyo Services. The Board and the Deputy County Administrator discussed the Contract in detail and at length. The Deputy County Administrator reviewed Owenyo Services background and qualifications. The Board asked for information regarding the savings associated with this Contract, as well as the capital improvements that will be made. The Board, Ms. Jacque Hickman of Owenyo Services, and staff discussed the term of the Contract with County Counsel explaining that the Contract may only be terminated for cause and the two five year extensions are automatic if the concessionaire exercises the option. The County Administrator noted an omission in the Contract that should be clarified before it is approved. He said the contract is silent on which party is responsible for making sure there is water in the lake. He said when DWP has excess water they usually put water in the lake when the County makes the request. But in low water years the County is expected to pay the standard rate per acre-foot of water put in the lake. He said he believes this needs to be clearly defined in the Contract to eliminate any confusion in the future. The Board agreed with the suggestion and requested that the award of a concessionaire contract to Hickman Construction, Owenyo Services, a California Partnership, for the operation of the Diaz Lake Campground for a term of June 1, 2010 through May 31, 2015, with two options to renew for five years each, be returned for further consideration after the Contract is changed to cover the issues raised during today's discussion.
Recess Reconvene	The Chairperson recessed the regular meeting at 3:15 p.m., to reconvene in open session at 3:25 p.m., with all Board Members present.
Sheriff/Dispatch Voice Logging Recorder Equipment	Moved by Supervisor Fortney and seconded by Supervisor Cash to A) approve the purchase of the Dispatch Voice Logging Recorder equipment, installation, operator training and one-year warranty from J.E.I., the low bidder in an amount not to exceed \$15,751; and B) amend the Sheriff's General Budget Unit 022700 by increasing estimated revenue in AB44 Sheriff (<i>Revenue Code #4486</i>) by \$15,751 and increasing appropriations in Equipment (<i>Object Code #5650</i>) by \$15,751 (<i>4/5's vote required</i>); and C) direct that upon receipt of the \$15,500 in State reimbursement, the funds be placed back into the Sheriff's AB 443 Trust 502709. Motion carried unanimously.
Sheriff/RIMS Upgrade Project	Moved by Supervisor Arcularius and seconded by Supervisor Fortney to A) approve the purchase of hardware and software components required for the upgrade of the existing RIMS and Sheriff's File Server System as one project referred to as RIMS Upgrade Project in an amount not to exceed \$45,809 as follows: from Dell – (1) one Dell Power Edge Server for RIMS data base - \$9,523.31, (1) one Dell Power Edge Server, file server - \$8,382.43, (1) one Dell Power Edge Server, Witness-T-Log Server - \$5,026.54, and (1) one Dell PV 114xLT04 taped backup system - \$10,960.04; from GovConnection – (2) two GovConn APC backups for file server and tape drive - \$1,078.71; and from CDW-G – (2) two CDWG APC backups and two batteries - \$2,471.52, (2) two MS SLD SQL SERV 2008 Data Base - \$1,298.44; (50) fifty MSSLD WIND SERV UCAL – no media license - \$1,086.42; and (50) fifty MS SLD SQL UCAL – no media license - \$5,980.17; and B) amend the FY 2009-2010 Sheriff's General Budget Unit 022700 by increasing estimated revenue in Operating Transfers (<i>Revenue Code #4998</i>) by \$45,809 and increasing appropriations in Equipment (<i>Object Code #5650</i>) by \$45,809. Motion carried unanimously.

- Sheriff/CO, Deputy and Correctional Officer Positions Moved by Supervisor Cash and seconded by Supervisor Brown to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the requested positions is from the General Fund, as certified by the Sheriff and concurred with by the County Administrator and Auditor-Controller; B) approve the internal recruitment and filling of one Corporal position at Range 70SB/SC (\$4,443 - \$5,648); C) approve the open recruitment and hiring of two Deputy Sheriff positions at Range 67SA/SB/SC (\$3,948 - \$5,145); D) approve the open recruitment and hiring of two Correctional Officer positions at Range 64 (\$3,590 - \$4,363); and direct Personnel to counsel County employees who may be candidates for the position of the effect of the County's lay off procedures on changes in position. Motion carried unanimously.
- BofS/Minute Approval Moved by Supervisor Brown and seconded by Supervisor Cash to approve the minutes of the April 27, 2010 Board of Supervisors Meeting. Motion carried unanimously, with Supervisors Arcularius, Cash, Brown and Cervantes voting yes and with Supervisor Fortney abstaining.
- Board Members and Staff Reports Moved by Supervisor Fortney and seconded by Supervisor Cash to approve the minutes of the May 4, 2010 Board of Supervisors Meeting. Motion carried unanimously, with Supervisors Arcularius, Cash, Fortney and Cervantes voting yes, and with Supervisor Brown abstaining.
- Public Comment The Board Members reported on their activities during the preceding week including a City/County Liaison Committee Meeting; ROP Graduation Ceremony; Webinar call on health care; the youth free fishing day at the Mt. Whitney Fish Hatchery; Owens Lake Planning Committee Meeting; and a Great Basin Unified Air Pollution Control District Meeting.
- Closed Session The Chairperson announced the second public comment period and there was no one wishing to address the Board.
- Report on Closed Session The Chairperson recessed open session at 4:10 p.m., to convene in closed session with all Board Members present to discuss and take action as appropriate on Agenda Items No. 26. **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; Undersheriff Jim Jones, Deputy County Counsel Susanne Rizo, Chief Probation Officer Jeff Thomson; and No. 27. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Law Enforcement Administrator's Association (LEAA) - Negotiators: CAO Kevin Carunchio and Labor Relations Administrator Sue Dishion.
- Adjournment The Chairperson recessed closed session at 4:35 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 4:35 p.m., to 9:00 a.m., Tuesday, May 25, 2010, 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