

MINUTES

County of Inyo Board of Supervisors

June 28, 2011

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, June 28, 2011, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Susan Cash presiding, Linda Arcularius, Rick Pucci, Marty Fortney and Richard Cervantes. Supervisor Cervantes provided the Invocation and 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. Susanne Rizo, Director of Child Support Services, reported on the Child Support Services Directors Association meeting she had attended. Mr. Josh Hart, Planning Director, informed the Board that the Coso Appeal Hearing has been rescheduled to Tuesday, July 19, 2011. The County Administrator, Mr. Kevin Carunchio, updated the Board on the status of the new Memorandum of Understanding with the Courts.
- Introduction Ms. Susanne Rizo, Director of Child Support Services, introduced Ms. Emily Casabian, a Child Support Services Specialist in her Department, to the Board.
- CAO-Budget Update The County Administrator updated the Board on the State Budget. He said that the State has a budget, but that it is predicated on billions in savings that may not be realized. He said that the jeopardy to the County in this budget is that we will be establishing a budget based on revenues from the State that may not be forthcoming. He explained that the policy issue for the Board will be how much of the general fund is the Board willing to put at risk to keep State funded programs operating. Mr. Carunchio again addressed his concerns with AB 109 which is requiring a super majority vote of the Board to overturn the recommendations of the Committee, whose membership has been amended to exclude representation from the Board of Supervisors/CAO.
- Emerg. Serv./Oak Creek Mud Flows Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.
- Integ. Waste/Vector Engineering Contract Amendment Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to approve Amendment No. 2 to the Contract between the County of Inyo and Vector Engineering, Inc., for solid waste technical services, increasing the Contract by \$302,385 to a total amount not to exceed \$748,405, contingent upon the Board's adoption of a FY 2011-12 Budget; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
- Parks/Fish Planting Contract Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to approve the Contract between the County of Inyo and Inland Aquaculture Group, LLC, of Lee Vining for fish planting services, for the period of July 1, 2011 through June 30, 2012, in an amount not to exceed \$11,500, contingent upon the Board's adoption of a FY 2011-12 Budget; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
- Museum/Bishop Visitors Center Comm. Project Grant Contract Amendment Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to approve Amendment No. 1 to the Community Project Sponsorship Grant Contract between the County of Inyo and the Bishop Area Chamber of Commerce and Visitor's Bureau for its "FAM Tours" project, extending the Contract from an ending date of June 30, 2011 to August 31, 2011; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
- CAO-Personnel/ICEA MOU Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to approve the July 1, 2011 through June 30, 2013 Comprehensive Memorandum of Understanding between the County of Inyo and the Inyo County's Employees' Association (ICEA); and authorize the Chairperson to sign. Motion carried unanimously.

Auditor/Auditing Services Contract	Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to declare Neely Accountancy Corp. a sole-source Contractor of auditing services and approve the Contract between the County of Inyo and Neely Accountancy Corp for the bi-annual special district audits for FY 2011-12, in an amount not to exceed \$21,525, contingent upon the Board's adoption of a FY 2011-12 Budget; and authorize the Chairperson to sign. Motion carried unanimously.
Auditor/State Claims Processing Contract	Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to declare MGT of America Inc. a sole-source provider of State claims processing services and approve the Contract between the County of Inyo and MGT of America Inc., for preparation of the FY 2011-12 and FY 2012-13 SB90 State Mandated Cost Claims in an amount not to exceed \$31,765, 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.
HHS-Behavioral Hlth. Serv./Sprague Contract	Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to approve the Contract between the County of Inyo and Jeanette Sprague, MFT, for the provision of mental health services as part of the Mental Health Services Act (MHSA) Community Services and Supports (CSS) Plan, for the period of July 1, 2011 through June 30, 2012, in an amount not to exceed \$25,000, contingent upon the Board's adoption of a FY 2011-12 Budget; and authorize the Chairperson to sign. Motion carried unanimously.
HHS-Behavioral Hlth. Serv./Echo Group Contract	Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to approve the Contract between the County of Inyo and Echo Group, for the period of July 1, 2011 through June 30, 2012, in an amount not to exceed \$94,484.18, contingent upon the Board's adoption of a FY 2011-12 Budget; and authorize the Chairperson to sign. Motion carried unanimously.
HHS-Children's Serv./Safe Measures Internet Reporting Services Contract	Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to approve the Contract between the County of Inyo and the National Council on Crime and Delinquency for the provision of Safe Measures Internet Report Services, for the period of July 1, 2011 through June 30, 2013, in an amount not to exceed \$11,550, contingent upon the Board adoption of future budgets; and authorize the Chairperson to sign. Motion carried unanimously.
HHS-Hlth. Serv./Office of Ed. MAA Contract	Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to approve the Medi-Cal Administrative Activities (MAA) Interagency Agreement between the County of Inyo and the Inyo County Office of Education for the period of July 1, 2011 through June 30, 2014, contingent upon the Board's adoption of future budgets; and authorize the LGA Coordinator to sign. Motion carried unanimously.
HHS-Mental Hlth. Serv./Prevention Program Services Contract Amendment	Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to approve Amendment One to the Contract between the County of Inyo and the Inyo County Superintendent of Schools, for prevention program services, extending the Contract from and ending date of June 30, 2011 to June 30, 2012, contingent upon the Board's adoption of a FY 2011-12 Budget; and authorize the Chairperson to sign. Motion carried unanimously.
HHS-Soc. Serv./Child Care Services Contract	Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to approve the Contract between the County of Inyo and the Inyo County Superintendent of Schools for the provision of child care services, for the period of July 1, 2011 through June 30, 2011, in an amount not to exceed \$210,000, contingent upon the Board's adoption of a FY 2011-12 Budget; and authorize the Chairperson to sign. Motion carried unanimously.
P.W./Clark Wing Lease	Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to approve the Lease between the County of Inyo and the City of Bishop for offices in the Clark Wing in the building owned by the City at 305 W. Line Street and occupied by the Sheriff's Office, for the period of July 1, 2011 through June 30, 2012, with two one year extensions; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
P.W./Nichols Consulting Engineers Contract Amendment	Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to approve Amendment No. 4 to the Contract between the County of Inyo and Nichols Consulting Engineers, Chtd., for engineering services, increasing the amount of the Contract by \$31,300 to a total amount not to exceed \$201,680 for the period of December 16, 2008 through June 30, 2012, contingent upon the Board's adoption of a FY 2011-12 Budget; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.

- P.W./Pest Control Services Contract Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to approve the Contract between the County of Inyo and Pestmaster Services, Inc., for insect and pest control for designated County facilities, for the five-year period of July 1, 2011 through June 30, 2016, in an amount not to exceed \$6,667.64 per year, 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./Road Closure The request by the Road Department for authority to close Movie Road on the evenings of June 29 and 30, 2011, from 5:00 p.m., to 7:00 a.m., for filming, was pulled from consideration at the request of the Department.
- Rd. Dept./Plant Mixed Asphalt Surfacing Material Contract Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to approve Amendment 1 to the Contract between the County of Inyo and Granite Construction for plant mixed asphalt surfacing material, increasing the amount of the Contract by \$150,000 to an amount not to exceed \$900,000; and authorize the Interim Public Works Director to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
- Coroner/2011-12 Contracts for Deputy Coroner Services, Autopsy Services and Laboratory Services The County Administrator explained the alternative recommendation regarding the Coroner's request for Contract services for FY 2011-12. Mr. Carunchio explained that the recommendation from the Coroner for increases in the contracts for services had not been included in the roll over budget, therefore there were not sufficient funds to cover the costs of the Contracts, thus his recommendation that the Board approve the Contracts at last year's amounts. Mr. Carunchio also explained that the more appropriate time for the Board to consider the requests for increases in the Coroner services Contracts would be during budget hearings. Mr. Carunchio noted that since the Board is not considering increases for its employees, now is possibly not the time to be asking for increases for out deputy corners. Ms. Amy Shepherd from the Auditor's Office noted that the Auditor had not signed the Agenda Request Form because the contracts were for more money than was allocated in the roll over budget for those services. The Board concurred with the CAO's recommendations. Moved by Supervisor Fortney and seconded by Supervisor Arcularius to A) approve the Contracts between the County of Inyo and the following for the period of July 1, 2011 through June 30, 2012 in the amounts specified last year as noted, contingent upon the Board's adoption of a FY 2011-12 Budget, and authorize the Chairperson to sign: (a) Medtox Laboratories, Inc. for toxicology services, in and amount not to exceed \$4,000.00; (b) Milton R. Jones, M.D. for autopsy services, in an amount not to exceed \$35,900.00; (c) William D. Stinnett for deputy coroner services, in an amount not to exceed \$15,200.00; (d) Jeffrey Mullenhour for deputy coroner services, in and amount not to exceed \$15,200.00; and (e) Jason Molinar for deputy coroner services, in an amount not to exceed \$9,000.00, contingent upon the Board's adoption of a FY 2011-12 Budget; B) not authorize an increase in the compensation of the Coroner by \$400.00 per month to \$2,000.00 per month; and C) not approve an amendment to the Brune MOU increasing the not to exceed amount from \$26,145.00 to \$32,145.00, and increasing payment for secretarial services from \$375.00 to \$400.00 per month. Motion carried unanimously.
- HHS/Mental Hlth. Serv./Position Request Moved by Supervisor Arcularius and seconded by Supervisor Fortney to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the requested position exists in the Mental Health Budget, as certified by the Health and Human Services Director, and concurred with by the County Administrator and the Auditor-Controller; B) while the position could possibly be filled through an internal recruitment, an open recruitment would be more appropriate to ensure qualified applicants apply and the Department is authorized to conduct an open recruitment; and C) approve the hiring of one Account Technician I at Range 55 (\$2,910 – \$3,537) or Account Technician II at Range 59 (\$3,194 - \$3,880). Motion carried unanimously.
- Water Dept./LORP Work Plan Moved by Supervisor Cervantes and seconded by Supervisor Fortney to adopt the 2011-12 Fiscal Year Lower Owens River Project Work Plan and Budget, contingent upon the Board's adoption of a FY 2011-12 Budget. Motion carried unanimously.
- Resol. #2011-22/CA Wildlife Conserv. Grant On a motion by Supervisor Fortney and a second by Supervisor Arcularius, Resolution No. 2011-22 was approved supporting and authorizing the submittal of a grant seeking \$350,000 in funds over approximately three years under the California Wildlife Conservation Board Habitat Restoration Grant Program: motion unanimously passed and adopted.

BofS/CSAC and RCRC MOA with Forest Serv. and BLM	The County Administrator briefly described the Draft Memorandum of Agreement among California, USDI Bureau of Land Management, USDA Forest Service and the California State Association of Counties and Regional Council of Rural Counties, Representing California County Governing Bodies. He said that he felt this would be a useful tool for local jurisdictions when dealing with federal agencies. He explained that the County's ability to effect a significant change to the document would probably not occur because of the considerable negotiations that had taken place in order to reach this point and the process required to gain acceptance of the changes. He noted some of the areas where he felt minor changes could be made. The Board, the County Administrator and the Planning Director, Mr. Josh Hart, discussed the document in detail and at length. It was noted that the word "coordination" is not used in the document and even if the counties sign the document it does not relieve the federal agencies of their mandate to "coordinate" with local jurisdictions. The Board directed the Planning Director to draft a letter commenting on the MOA concerning the items noted during today's discussion, to be brought back for the Board's consideration.
Public Defender/ Schneider Contract Extension	The County Administrator explained that this Contract extension would help to provide public defender coverage until the new Public Defender Contracts are approved. Moved by Supervisor Fortney and seconded by Supervisor Cervantes to approve Amendment No. 1 to the Contract between the County of Inyo and Charles Schneider for Public Defender services, extending the contract from an ending date of June 30, 2011 to an ending date of August 30, 2011, and increasing the Contract by \$7,803, contingent upon the Board's adoption of a FY 2011-12 Budget; and authorize the County Administrator to sign the amendment, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
BofS/Minute Approval	Supervisor Cash requested that June 7, 2011 minutes be changed to reflect CAO and not COA on the forth paragraph on the first page and that the June 14, 2011 minutes be changed to omitted the redundant "the" in the first sentence of the seventh paragraph on page three. Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve the minutes of the June 7, 2011 Board of Supervisors Meeting as amended. Motion carried on a four-to-zero vote, with Supervisors Arcularius, Cash, Pucci and Fortney voting yes and with Supervisor Cervantes abstaining. Moved by Supervisor Cervantes and seconded by Supervisor Fortney to approve the minutes of the June 14, 2011 Board of Supervisors Meeting as amended. Motion carried on a four-to-zero vote, with Supervisors Cash, Pucci, Fortney and Cervantes voting yes, and with Supervisor Arcularius abstaining.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 10:15 a.m., to reconvene in open session at 10:30 a.m., with all Board Members present.
Fish and Game/ Regulation Change Letter.	Moved by Supervisor Fortney and seconded by Supervisor Pucci to approve the letter from the Board of Supervisors to the Director of the Department of Fish and Game regarding adjusting the current trapping season to coincide with the hunting season and to simplify the current regulations on the use of lights while night hunting to be less confusing to the hunter; and authorize the Chairperson to sign. Motion carried unanimously.
Planning/Workshop Transportation Storage Report	The Chairperson recessed open session at 10:35 a.m., to convene in a workshop, with all Board Members present, to discuss with Planning staff the draft Disposal Report and Transportation Storage Report to the full Blue Ribbon Commission on American's Nuclear Future. The Chairperson recessed the workshop at 10:40 a.m., to reconvene in open session, with all Board Members present.
Board Members and Staff Reports	The Board Members reported on their activities during the preceding week, including a Big Pine Civic Club Meeting, a conference call with the Regional Forester, a conference call regarding the non-funding of IRWMP projects in Inyo and Mono counties, a tour of the water guzzler locations by one member of the Board, and the report on the kids fishing day at the Mt. Whitney Fish Hatchery.
Public Comment	The Chairperson announced the second public comment period and there was no one from the public wishing to address the Board.
Closed Session	The Chairperson recessed open session at 11:10 a.m., to convene in closed session, with all Board Members present, to discuss and take action as appropriate on Agenda Items No. 33. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION [Pursuant to Government Code §54956.9(c)] – Decision whether to initiate litigation (one case); No. 34.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(a)] – Sprint Telephone PCS, LP et.al. v. State Board of Equalization et.al., San Francisco Superior Court Case No. CGC-11-511398; No. 35. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6].** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: ICEA - Negotiators: Labor Relations Administrator Sue Dishion, Director Child Support Services Susanne Rizo, and Chief Probation Officer Jeff Thomson; No. 36. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code § 54957.6].** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Inyo County Correctional Officers Association (ICCOA) - Negotiators: Labor Relations Administrator Sue Dishion; No. 37. **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: Director Child Support Services Susanne Rizo and Labor Relations Administrator Sue Dishion; No. 38. **PERSONNEL [PURSUANT TO GOVERNMENT CODE §54957]** - Public Employee Performance Evaluation - Title: Director Public Works; No. 39. **PERSONNEL [PURSUANT TO GOVERNMENT CODE §54957]** - Public Employee Appointment - Title: Director Public Works; No. 40. **REAL PROPERTY NEGOTIATIONS - CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Pursuant to Government Code §54956.8)** – Property – APN022-070-06, Independence, California – Negotiating Parties – County Administrator and State of California – Negotiations – Terms and Conditions; No. 41. **REAL PROPERTY NEGOTIATIONS - CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Pursuant to Government Code §54956.8)** – Property – APN010-490-08, Bishop, California – Negotiating Parties – County Administrator and Joseph Enterprises – Negotiations – Terms and Conditions; No. 42. **REAL PROPERTY NEGOTIATIONS - CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Pursuant to Government Code §54956.8)** – Property – APN008-240-01, Bishop, California – Negotiating Parties – County Administrator and Mitchell Asset Group – Negotiations – Terms and Conditions; and No. 43. **REAL PROPERTY NEGOTIATIONS - CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Pursuant to Government Code §54956.8)** – Property – S.E. 1.07 acres of APN002-133-02, Independence, California (Jail and Road Yard) – Negotiating Parties – County Administrator and Director of Public Works and Administrative Offices of the Courts (AOC) – Negotiations – Terms and Conditions of Potential Lease.

Report on Closed Session

The Chairperson recessed closed session at 5:25 p.m., to reconvene in open session to receive a report on closed session. County Counsel reported that regarding Agenda item No. 33. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION [Pursuant to Government Code §54956.9(c)]** – Decision whether to initiate litigation (one case), the Board of Supervisors, in a unanimous vote, with Supervisors Arcularius, Cash, Pucci, Fortney and Cervantes voting yes, has decided to dispute the Los Angeles proposed Owens Valley pump plan for 2011/2012 pursuant to the procedures of the Stipulation and Order for Judgment between the County of Inyo and the City of Los Angeles on a Long-Term Groundwater Management Plan for Owens Valley and Inyo County; the dispute seeks the reduction of pumping in the Thibaut/Sawmill and Taboose/Aberdeen wellfields, from 17,200 to 12,800 acre feet and 14,000 to 10,000 acre feet respectively.

Adjournment

The Chairperson adjourned the regular meeting at 5:26 p.m., to 9:00 a.m., Tuesday, July 5, 2011 in the Board of Supervisors Room, at the County Administrative Center, in Independence.

Chairperson, Inyo County Board of Supervisor

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

by: _____
Patricia Gunsolley, Assistant