

MINUTES

County of Inyo Board of Supervisors

February 14, 2012

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, February 14, 2012, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Marty Fortney presiding, Linda Arcularius, Susan Cash, Rick Pucci, and Richard Cervantes. Supervisor Cervantes provided the Invocation, and Supervisor Pucci 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. Jean Turner, Director of Health and Human Services and the Chief Probation Officer Jeff Thomson, reported on a meeting they had attended in Sacramento concerning federal funding for foster care services. Ms. Turner also reported on a Welfare Directors meeting she attended, as well as State budget impacts to services provided by the HHS Department, i.e., IHSS Program, Child Care services, and senior services. Ms. Kammi Foote, Clerk-Recorder, informed the Board that the City of Bishop voted to combine its general election with the statewide elections in November of even numbered years. Dr. Bob Harrington, Water Director, notified the Board of this evening's Water Commission meeting. Ms. Susanne Rizo, Regional Director of Child Support Services, reported on the recently conducted workshop on a State waiver of payment program.
- Emerg. Serv./Oak Creek Mud Flows Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.
- Child Support Serv./Vehicle Bid Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to award the bid to and authorize the purchase from Eastern Sierra Motors, Inc., as the low bidder, of one 2012 Ford Escape 4x4 XLT in an amount not to exceed \$25,754.98. Motion carried unanimously.
- Rd. Dept./Contract for Aggregate Materials Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to award the bid to and approve the Contract with Granite Construction for the purchase of aggregate materials for the period of February 1, 2012 through June 30, 2012, in an amount not to exceed \$145,462.50; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
- Rd. Dept./Contract for Plant Mixed Asphalt Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to award the bid to and approve the Contract with Granite Construction for the purchase of plant mixed asphalt products, for the period of March 1, 2012 through June 30, 2012, in an amount not to exceed \$238,500; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
- Rd. Dept./Contract for Liquid Asphalt Products Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to award the bid to and approve the Contract with Environmental Concepts for the purchase of liquid asphalt products for the period of February 1, 2012 through June 30, 2012 in an amount not to exceed \$479,804.75; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
- CAO-Budget/Mid-Year Budget Review The County Administrator reviewed the FY 2011-12 Mid-Year Financial Report in detail and at length. Moved by Supervisor Arcularius and seconded by Supervisor Cash to A) accept the Fiscal Year 2011-2012 Mid-Year Financial Report as presented; B) approve the specific budget action items and recommendations discussed in the report and represented in Attachments A & B of the report; C) continue to stress revenue attainment and expense savings in order to maximize year-end fund balances; and D) reaffirm the Extraordinary Budget Control Policies (Attachment C to the report), as amended and recommended, remain in effect. Motion carried unanimously.

Recess/
Reconvene The Chairperson recessed the regular meeting at 10:25 a.m. to reconvene in open session at 10:35 a.m., with all Board Members present.

Resol. #2012-09//USFS Special Use Permit for Sabrina Road Bridge Project Ms. Margaret Woods, White Mountain District Ranger, provided additional information and further explanation on the requirement that the County obtain a U.S. Forest Service Road Special Use Permit in order to proceed with the Sabrina Road Bridge Replacement Project. Ms. Woods, the Board, and the Interim Public Works Director, Mr. Doug Wilson, discussed this Permit process. Supervisor Cash expressed her concern with the County being required to obtain a permit in order to perform work on a County maintained road. The Board, Ms. Woods and Mr. Wilson went on to discuss gaining access to the County's roads on USFS lands through the easement process, which Ms. Woods indicated she felt would be the best method for access. She explained that the Permit process being approved today would allow both parties the time needed to develop an easement agreement.

On a motion by Supervisor Arcularius and a second by Supervisor Cash, Resolution No. 2012-09 was adopted, approving the U.S. Forest Service Road Special Use Permit for the Sabrina Road Bridge Replacement Project; motion unanimously passed and adopted.

Moved by Supervisor Arcularius and seconded by Supervisor Cash to authorize the Interim Public Works Director to execute the Special Use Permit and any additional agreements necessary for the Project. Motion carried unanimously.

Coroner/Coroner Services Contract Amendments Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to A) approve Amendment #1 to the contracts between the County of Inyo and the following, and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained and the Board's adoption of future budgets: (a) Medtox Laboratories, Inc., for toxicology services, amending the term date to July 1, 2011 thru December 31, 2012, and approving the new fee schedule effective March 1, 2012; (b) William D. Stinnett, for personal services, amending the term date to July 1, 2011 thru December 31, 2012, increasing the monthly fee from \$1,050 to \$1,100 effective March 1, 2012, increase the contract amount by \$8,100 for a contract amount not to exceed \$23,300; (c) Jason Molinar, for personal services, amending the term date to July 1, 2011 thru December 31, 2012, increasing the monthly fee from \$800 to \$900 effective March 1, 2012, increase the contract amount by \$10,300 for a contract amount not to exceed \$19,300; (d) Jeffrey E. Mullenhour, for personal services, amending the term date to July 1, 2011 thru December 31, 2012, increasing the monthly fee from \$1,050 to \$1,100 effective March 1, 2012, increase the contract amount by \$8,100 for a contact amount not to exceed \$23,300; (e) Milton R. Jones, M.D. for autopsy services, amending the term date to July 1, 2011 thru December 31, 2012, increasing autopsy fees from \$850 to \$875 each effective March 1, 2012, increase the contract amount by \$15,225 for a contract amount not to exceed \$51,125; and B) amend the Coroners FY 2011/2012 Budget Unit 023500 by increasing expenditures in Salaried Employees (*Object Code #5001*) by \$400 and Retirement and Social Security (*Object Code #5021*) by \$31 and reduce Contingencies Budget Unit 087100, Contingencies (*Object Code #5901*) by \$431. Motion carried unanimously.

HHS-Senior Serv./ Letter of Intent to Pursue IMAAA Designation Ms. Jean Turner, Director of Health and Human Services, provided additional information and further explanation regarding the recommendation that the County of Inyo send a letter of intent to the State of California regarding the County's interest in pursuing being designated as the Area Agency on Aging for Planning and Services (PSA) 16. Ms. Turner introduced Mr. Roger Rasche, and Ms. Selma Calnan, and Ms. Rachel Lober, members of the IMAAA Advisory Council, who were in the audience to the Board. Mr. Rasche took the opportunity to thank the Board for their continued support of the programs that benefit local seniors. The Board Members expressed the desire to protect the services to one of the most fragile populations; thanked Ms. Turner for her willingness to pursue this designation; and again confirmed that no actions being proposed will impact the services currently being provided to seniors this year. Moved by Supervisor Arcularius and seconded by Supervisor Cash to A) approve the Letter of Intent expressing interest in pursuing the offer to become designated as the Area Agency on Aging for Planning and Service Area (PSA) 16; and authorize the Chairperson to sign; B) authorize the submittal of the letter no later than the close of business on Monday, February 20, 2012; and C) direct the staff to prepare the required detailed proposal for submission to CDA within sixty (60) days. Motion carried unanimously.

HHS-Workshop on SACPA	The Chairperson recessed open session at 11:20 a.m., to convene in a workshop, with all Board Members present to discuss SACPA (Substance Abuse & Crime Prevention Act) budget and services with representatives of the Health and Human Services and Probation Departments. The Chairperson recessed the workshop at 11:40 a.m., to reconvene in open session, with all Board Members present.
Planning/Coroner Salary Increase Ordinance Public Hearing	The Chairperson opened the public hearing at 11:40 a.m., on an ordinance titled "An Ordinance of the Board of Supervisors, County of Inyo, State of California, Amending Section 2.88.040 of the Inyo Code to Increase the Salary of Certain Elected Officials, Excluding Members of the Board of Supervisors" to increase the salary of the Coroner from \$1,600 to \$2,000 per month. There was no one from the public wishing to address this item and the Chairperson closed the public hearing at 10:41 a.m. Moved by Supervisor Cash and seconded by Supervisor Pucci to waive the first reading of the ordinance; and schedule the enactment for 11:30 a.m., Tuesday, February 21, 2012 in the Board of Supervisors Room, at the County Administrative Center, in Independence. Motion carried unanimously.
Planning/Eastern Sierra Land Tenure Project Final Report	Ms. Vickie Taton of the Sierra Business Council, presented the final report on the Eastern Sierra Land Tenure Project. The Board and Ms. Tatum discussed several aspects of the report including the need for a typo correction on page 66, the need to consistently report the amount of private land available in Inyo County, and the processes used by the different federal agencies when dealing with land exchanges. Ms. Bernadette Lavato, Bureau of Land Management Bishop Field Office Manager, talked about the BLM's land exchange policies. Supervisor Fortney requested that the Board Members receive an electronic version of the report. The Board discussed the action being requested to approve the report. The County Administrator suggested that the Board simply take action to accept the report in order to allow the Sierra Business Council to finalize its Sierra Nevada Conservancy grant requirements and get paid. Moved by Supervisor Cash and seconded by Supervisor Pucci to receive the presentation from the representative of the Sierra Business Council regarding the Eastern Sierra Land Tenure Project and authorize filing the Final Report with the Sierra Nevada Conservancy to fulfill grant requirements. Motion carried unanimously.
Ord. 1169 Allowing Restoration of Non-Conforming Dwellings	On a motion by Supervisor Pucci and a second by Supervisor Cervantes, Ordinance 1169 titled "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Allowing the Restoration of Non-Conforming Dwellings That Were Destroyed by the Inyo Center Fire of March 18, 2011," was enacted: motion unanimously passed and adopted.
Recess./Reconvene	The Chairperson recessed the regular meeting at 12:10 p.m., to reconvene in open session at 1:00 p.m., with all Board Members present.
Planning/Desert Tortoise Recovery Teams	Supervisor Cash turned the presentation regarding the Desert Tortoise Recovery Implementation Teams over to the Planning Director, Mr. Josh Hart. Mr. Hart, reviewed the Staff Report, explaining that Mr. Gerald Hillier, Executive Director of Quad State Local Governments Authority, was representing the County at the Desert Tortoise meetings. He said that U.S. Fish and Wildlife is now establishing the Desert Tortoise Recovery Implementation Teams and that the County of Inyo is covered by two teams. He went on to explain that indications from U.S. Fish and Wildlife are that they want separate representation on each team and it is unclear as to whether Mr. Hillier could provide that representation. The Board discussed and strongly disagreed with U.S. Fish and Wildlife's desires for separate representation on the teams, explaining that one of the County's reasons for participation in Quadstate was to obtain the services of Mr. Hillier in these activities. The Board and Mr. Hart continued to discuss the options available to the County, with the Board directing that Mr. Hart convey to the U.S. Fish and Wildlife the Inyo County Board of Supervisors direction that Mr. Gerald Hillier, Executive Director of Quadstate Local Governments Authority continue to represent Inyo County on Desert Tortoise Recovery Implementation Teams as he deems suitable.
Planning/Workshop on Planning Rule	The Chairperson recessed open session at 1:15 p.m., to convene in a workshop with the Planning Director regarding the Preferred Alternative for the Land Management Planning Rule and Final Environmental Impact Statement. The Chairperson recessed the workshop at 1:50 p.m., to reconvene in open session, with all Board Members present.

Planning-NRAC/
Public Speaking
Preference

Mr. Randy Keller, County Counsel, reviewed the Natural Resources Committee's (NRAC) recommendation that County residents be given preference for speaking at public meetings and forums. He said that the Constitution prohibits granting special privileges to a class of citizens and ensures the equal protection of the law to all citizens. He went on to explain it would be unconstitutional on these grounds to give one group of people a blanket preference over another in public meetings, absent a rational stated interest in doing so. He said that at the discretion of the Board the speaking positions could be determined on a case by case basis as appropriate under the circumstances. He went on to explain that he believes establishing a blanket policy such as this would also be a Brown Act violation. The Board and Mr. Keller briefly discussed the NRAC recommendation with the Board recognizing that public speaking order is made at the discretion of the Chairperson and acknowledged that the Inyo County Board of Supervisors has and will continue to manage the order of public speakers with deference and respect to every member of the public wishing to address the Board.

Board Members and
Staff Reports

The Board Members reported on their activities during the preceding week, including a request that today's meeting be adjourned in memory of Jill Kinmont Booth who passed away last week, a Great Basin Air Pollution Control District Meeting, various constituent meetings, and a City-County Liaison Meeting.

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 2:10 p.m., to convene in closed session, with all Board members present, to discuss and take action as appropriate on Agenda Items No. 20. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Pursuant to Government Code §54956.9(a) – John Thomas Christiana v. Jeanette Schneider, Ph.D., M.D.** Inyo County Department of Health and Human Services Inyo County Superior Court Case No. SICVCV 1253244; No. 21. **PERSONNEL [PURSUANT TO GOVERNMENT CODE §54957]** - Public Employee Performance Evaluation – Title: Director of Health and Human Services; No. 22. **PERSONNEL [PURSUANT TO GOVERNMENT CODE §54957]** - Public Employee Appointment - Title: Public Works Director; No. 23. **CONFERENCE WITH LABOR NEGOTIATOR (Pursuant to Government Code §54957.6)** – Instructions to Negotiators re: wages, salaries and benefits – Title: Public Works Director – Negotiator – as designated by the Board of Supervisors; No. 24. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Elected Officials Assistants Association (EOAA) - Negotiators: Chief Probation Officer Jeff Thomson and Labor Relations Administrator Sue Dishion; No. 25. **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: CAO Kevin Carunchio and Labor Relations Administrator Sue Dishion; No. 26. **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. 27. **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 of Child Support Services Susanne Rizo, Chief Probation Officer Jeff Thomson; No. 28. **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: CAO Kevin Carunchio and Labor Relations Administrator Sue Dishion; and No. 29. **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: CAO Kevin Carunchio and Labor Relations Administrator Sue Dishion.

Report on Closed
Session

The Chairperson recessed closed session at 3:35 p.m., to reconvene in open session to receive a report on closed session. County Counsel reported that with regard to Agenda Item No. 20. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Pursuant to Government Code §54956.9(a) – John Thomas Christiana v. Jeanette Schneider, Ph.D., M.D.** Inyo County Department of Health and Human Services Inyo County Superior Court Case No. SICVCV 1253244, the Board in a unanimous vote, with Supervisors Arcularius, Cash, Pucci, Fortney and Cervantes voting yes, authorized County Counsel to defend the County and to defend and indemnify Dr. Jeanette Schnieder in this matter.

Adjournment

The Chairperson adjourned the meeting in memory of Jill Kinmont Booth, saying that she was an inspiration to all and that while she was handicapped she led a wonderful and fulfilling life. The Chairperson adjourned the meeting at 3:35 p.m., to 9:00 a.m., Tuesday, February 21, 2012 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