

# MINUTES

# County of Inyo Board of Supervisors

**May 1, 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, May 1, 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 Arcularius 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      The Chairperson announced the County Department Report period. Mr. Josh Hart, Planning  
Reports                      Director, updated the Board on the situation involving LADWP's demolition of the old "Hair I Am"  
structure in Independence. He ended his remarks by saying whether or not LADWP was able to  
demolition the building is a complex legal question that will be left to the legal professionals to  
answer. Ms. Jean Turner, Director of Health and Human Services, reported on her activities in  
Sacramento last week, including a CMSP Governing Board Meeting, where discussions revolved  
around Health Realignment, federal funding, pharmaceuticals, and inmate eligibility. Mr. Doug  
Wilson, Interim Public Works Director, reported that the Mt. Therese Mission project in the  
southeastern portion of the County is very active and moving forward. The County Administrator  
reported on a meeting with Sierra Nevada Conservancy (SNC) staff, saying that SNC has  
confirmed that they will honor the \$38,000 Phase II funding commitment for the LORP Recreation  
Plan and informed the Board that he will be working with Staff to develop a revised scope of work.  
Mr. Carunchio also reported the he talked with SNC staff regarding moving forward with Mt.  
Whitney Fish Hatchery issues. He also reported with regard to the Bright Source Project the CEC  
has scheduled the socio-economic workshop for May 9 in Sacramento, and that he has asked the  
Department Heads of effected departments to attend.
- Introduction              Ms. Jodi Benson, a Social Worker in the Health and Human Services Department was introduced  
to the Board.
- Emerg. Serv./Oak              Moved by Supervisor Cervantes and seconded by Supervisor Cash to continue the local  
Creek Mud Flows              emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.
- HHS-Soc. Serv./              Moved by Supervisor Cervantes and seconded by Supervisor Cash to approve Amendment No. 1  
Contract                      to the Contract between the County of Inyo and Life Remedies and Celebrations of In-Home  
Amendment IHSS              Supportive Services (IHSS) Employer of Record Services, extending the term of the Contract from  
Employer of                      an ending date of June 30, 2012 to June 30, 2014 at a reduced annual amount of \$80,000, and  
Record Contract              increasing the Contract by \$180,000 for a total amount not to exceed \$443,941, contingent upon  
the Board's adoption of future budgets and the possibility of early termination contingent upon the  
State's implementation of the re-structuring of the IHSS Program; and authorize the Chairperson to  
sign. Motion carried unanimously.
- Rd. Dept./Dump              Moved by Supervisor Cash and seconded by Supervisor Pucci to authorize the purchase of 2 CARB  
Trucks Purchase              Compliant Diesel Dump Trucks, a 2002 Volvo and a 2007 Sterling, and approve the purchase  
Approval                      orders to Big Truck & Equipment Sales in an amount not to exceed \$71,325.11, including sales tax,  
delivery and document fees, and LKO-Acme Truck Parts and Equipment in an amount not to  
exceed \$64,676.89 including sales, tax, delivery and document fees. Motion carried unanimously.
- Planning/DRECP              The Planning Director, Mr. Josh Hart, recapped the Desert Renewable Energy Conservation Plan  
Correspondence              (DRECP) process. He then reviewed the draft correspondence with the Board. The Board talked  
about endangered species, migrating birds, environmental document requirements, and the desert  
tortoise. Supervisor Arcularius requested that the County's agricultural resources be identified in  
the last paragraph and Supervisor Cash asked that Senator Fuller and Assemblywoman Conway

also be copied. Moved by Supervisor Cervantes and seconded by Supervisor Arcularius to approve the correspondence regarding the Desert Renewable Energy Conservation Plan with the changes noted; and authorize the Chairperson to sign. Motion carried unanimously.

- Water-Standing Committee Meeting Agenda Dr. Bob Harrington, Inyo County Water Director, provided copies of the revised Agenda for the May 4, 2012 Standing Committee Meeting to the Board. The Board and Dr. Harrington proceeded to discuss the specific items identified in the Agenda, in detail and at length. Moved by Supervisor Cash and seconded by Supervisor Cervantes to, with regard to the action items on the Agenda for the upcoming Standing Committee meeting to be held in Los Angeles on May 4, 2012, direct the County's Standing Committee representatives to cast the County's vote as recommended by Staff. Motion carried unanimously.
- Recess/Reconvene The Chairperson recessed the regular meeting at 10:10 a.m., to reconvene in open session at 10:20 a.m., with all Board Members present.
- CAO-Personnel/Deputy Director of Public Works Position Request Supervisor Cash declared a possible conflict and left the meeting. The County Administrator provided additional information and further justification for the new job description for the Deputy Public Works Director position. He also clarified that the recommended range addresses the compaction issue with the premium pay. He asked the Board to approve the job description with the addition of a statement, he will add, that clarifies the salary range in relation to premium pay. Moved by Supervisor Pucci and seconded by Supervisor Cervantes to A) approve the revised job description for the position of Deputy Director of Public Works, with the change noted above, and set the new salary as Range 88 (\$6,370 – \$7,740) and B) find that consistent with the adopted Authorized Position Review Policy: (a) the availability of funding for the position comes from the General Fund and, possibly, certain Non-General Fund departments depending on job responsibilities and associated budget allocations as certified by the County Administrator and concurred with by the Auditor-Controller; (b) the position could possibly be filled by internal candidates meeting the qualifications for the position, however, an open recruitment is appropriate to ensure the position is filled with the best qualified candidate; and C) approve the hiring of one Deputy Director of Public Works at Range 88 (\$6,370 - \$7,740). Motion carried unanimously, with Supervisors Arcularius, Pucci, Fortney and Cervantes voting yes, and with Supervisor Cash absent. Supervisor Cash rejoined the meeting.
- Integ. Waste/Solid Waste Budget Transfer The County Administrator updated the Board on the Integrated Waste Management budget. He addressed the shortfall in the revenues that have been received to date, noting that incoming tonnage is down 10%. The Board and Mr. Carunchio discussed the program and the areas that are impacting the revenues, with Mr. Carunchio noting that the amount being requested to cover solid waste activities is much less than the \$500,000 and \$600,000 that have been required in the past two years. Supervisor Arcularius asked that a workshop be scheduled in the future to talk about future revenues projections and those items that might affect it. Moved by Supervisor Cash and seconded by Supervisor Pucci to amend the FY 2011-12 County Budget as follows: A) increase estimated revenue in Solid Waste Budget Unit 045700, Operating Transfers In (*Revenue Code #4998*) by \$200,000; B) increase appropriations in General Revenues & Expenditures Budget Unit 011900, Operating Transfers Out (*Object Code #5801*) by \$200,000; and C) decrease appropriations in Contingencies – General Budget Unit 087100 by \$200,000. Motion carried unanimously.
- Clerk of the Board Moved by Supervisor Cervantes and seconded by Supervisor Cash to approve the minutes of the Board of Supervisors Meetings of A) April 10, 2012; and B) April 17, 2012. Motion carried unanimously.
- Board Members and Staff Reports The Board Members reported on their activities during the preceding week, including a Southern Inyo Airport Advisory Committee Meeting, a meeting with the AOC on court services, the Opener of Fishing Season Press Reception, and an update on SRA fee legislation.
- Recess/Reconvene The Chairperson recessed the regular meeting at 10:50 a.m., to reconvene at 11:00 a.m., in a workshop with all Board Members present.
- County Counsel/Brown Act Workshop The Board convened in a workshop with County Counsel who provided information on and requirements of the Ralph M. Brown Act regarding local agency decisions, conducting open and closed meetings, etc., the Chairperson recessed the workshop at 11:50 a.m.
- Recess/Reconvene The Chairperson recessed the regular meeting at 11:50 a.m., to reconvene in open session at 1:00 p.m., with all Board Members present.

- Public Comment      The Chairperson announced the second public comment period. Mr. Russ Aldridge addressed the Board to identify his concerns with local water issues, including water being provided to the Owens Dry Lake. He also cautioned the Board on the purchase of used heavy equipment like the dump trucks that were approved earlier in the meeting, because of the abuse heavy equipment takes and the costs of repairs.
- Closed Session      The Chairperson recessed open session at 1:05 p.m. to reconvene in closed session, with all Board Members present, to discuss and take action as appropriate on Agenda Items No. 14. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Pursuant to Government Code §54956.9(a) – B3 Partners, LLC, an Oregon limited liability company v. the County of Inyo, the Inyo County Board of Supervisors, et al., Inyo County Superior Court Case No. SICV CV 1253471; No. 15. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Pursuant to Government Code §54956.9(c) – Decision whether to initiate litigation (one case); No. 16. 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: Labor Relations Administrator Sue Dishion, Information Services Director Brandon Shults, and Planning Director Josh Hart; No. 17. **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. 18. **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. 19. **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. 20. **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. 21. **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 3:15 p.m., to reconvene in open session to receive a report on closed session. County Counsel reported that with regard to Item No. 14. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Pursuant to Government Code §54956.9(a) – B3 Partners, LLC, an Oregon limited liability company v. the County of Inyo, the Inyo County Board of Supervisors, et al., Inyo County Superior Court Case No. SICV CV 1253471,** the Board in a unanimous vote, with Supervisors Arcularius, Cash, Pucci, Fortney and Cervantes voting yes, authorized legal counsel to defend the County in this matter, which is a lawsuit seeking a Writ of Mandate in which B3 Partners, LLC, is seeking a hearing before the Board of Equalization regarding the imposition of taxes on the aircraft.
- Adjourned      The Chairperson adjourned the regular meeting at 3:15 p.m., to 9:00 a.m., Tuesday, May 8, 2012 in the Board of Supervisors Room, at the County Administrative Center, in Independence.

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Chairperson, Inyo County Board of Supervisor

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

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