

MINUTES

County of Inyo Board of Supervisors

September 4, 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, September 4, 2012, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Marty Fortney presiding, Linda Arcularius, Susan Cash, and Rick Pucci. Supervisor Cervantes was absent. 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 The Chairperson announced the County Department Report period. Ms. Leslie Chapman, Auditor-Controller, presented the Board with copies of the Audited Financials Statements from 2011. She reviewed the statements, with Supervisor Cash requesting that copies of the IMAAA Financial Statement be forwarded to the Mono County Board of Supervisors. Ms. Jean Turner, Director of Health and Human Services, updated the Board on State budget impacts on her Department's programs. Mr. Josh Hart, Planning Director, informed the Board that NRAC membership recruitment has begun. Mr. Jeff Thomson, Chief Probation Officer, advised the Board that representatives of the Community Correction Partnership Committee (CCPC) are preparing a grant application for Criminal Justice Institute funds to help address Inyo County's AB109 population.
- County Department Reports
- Introductions Ms. Jean Turner, Director of Health and Human Services introduced Ms. Melanie Coleman, Senior Social Worker Supervisor, and Ms. Darcy Miller, Administrative Secretary, in the Health and Human Services Department to the Board.
- Emerg. Serv./Oak Moved by Supervisor Arcularius and seconded by Supervisor Pucci to continue the local Creek Mud Flows emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously, with Supervisor Cervantes absent.
- CAO-Info. Serv./ Moved by Supervisor Arcularius and seconded by Supervisor Pucci to approve the renewal of the Crest Software Maintenance Software Maintenance Agreement between Crest Software Corporation and the County of Inyo for the County's enterprise Property Tax Management System for the period of July 1, 2012 through June 30, 2013, in an amount not to exceed \$28,346, contingent upon the Board's adoption of a FY 2012-13 budget; and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Cervantes absent.
- Agreement
- Resol. #2012-33/ On a motion by Supervisor Arcularius and a second by Supervisor Pucci Resolution No. 2012-33 Appropriation Limits was approved accepting the calculations of the appropriation limitation for the County of Inyo for Fiscal Year 2012-13: motion unanimously passed and adopted, with Supervisor Cervantes absent.
- Resol. #2012-34/ On a motion by Supervisor Arcularius and a second by Supervisor Pucci, Resolution No. 2012-34 Tax Rates was approved setting the property tax rates for Fiscal Year 2012-13 per California Government Code §29100: motion unanimously passed and adopted, with Supervisor Cervantes absent.
- Ag. Comm./Fogging Moved by Supervisor Arcularius and seconded by Supervisor Pucci to approve the purchase of Equipment P.O. mosquito fogging equipment from Adapco, a sole-source provider of mosquito fogging equipment, in an amount not to exceed \$7,700, contingent upon the Board's adoption of a FY 2012-13 budget. Motion carried unanimously, with Supervisor Cervantes absent.

HHS-Inyo First 5/ Altrusa Contract	Moved by Supervisor Arcularius and seconded by Supervisor Pucci to ratify and approve the Contract between the County of Inyo and Altrusa International of the Eastern Sierra for the provision of Child Health & Family Strengthening services for the period of July 1, 2012 through June 30, 2013, in an amount not to exceed \$20,000, contingent upon the Board's adoption of a FY 2012-13 budget; and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Cervantes absent.
HHS/Behavioral Hlth. Serv./Finch Youth Serv. Contract	Moved by Supervisor Arcularius and seconded by Supervisor Pucci to ratify and approve the Contract between the County of Inyo and Fred Finch Youth Services for the provision of mental health services, for the period of July 1, 2012 through June 30, 2013, in an amount not to exceed \$30,000, contingent upon the Board's adoption of a FY 2012-13 budget; and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Cervantes absent.
HHS-Mental Hlth. Serv./MediCal Managed Care Plan Agreement	Moved by Supervisor Arcularius and seconded by Supervisor Pucci to ratify and approve the County Mental Health Plan Agreement between the County of Inyo and the State of California, Department of Mental Health and the California Department of Health Care Services, as the MediCal Managed Care Plan for Inyo County for the period beginning April 1, 2012 and ending December 31, 2012, in the amount of not more than \$811,607; and authorize the Director of Mental Health services to sign. Motion carried unanimously, with Supervisor Cervantes absent.
P.W./Quincy Engineering Contract Amendment	Moved by Supervisor Arcularius and seconded by Supervisor Pucci to ratify and approve Amendment No. 2 to the Contract between the County of Inyo and Quincy Engineering, Inc., for the provision of engineering services for the Sabrina Bridge Replacement Project, increasing the total amount of the Contract by \$127,850, from a total amount not to exceed of \$632,582 to \$760,432, contingent upon the Board's adoption of a FY 2012-13 budget; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously, with Supervisor Cervantes absent.
Resol. #2012-35/ Energy Upgrade Notice of Compl.	On a motion by Supervisor Arcularius and a second by Supervisor Pucci, Resolution No. 2012-35 was approved accepting the improvements for the Inyo County Energy Efficiency Upgrade Project and authorize the recording of a Notice of Completion for the Project: motion unanimously passed and adopted with Supervisor Cervantes absent.
Planning/USFS Predecisional Adm. Review Letter	Mr. Josh Hart reviewed the draft correspondence regarding the Forest Service's Proposed Project-level Predecisional Administrative Review Process. Ms. Margaret Woods, District Ranger, discussed the review process with the Board. The Board expressed its concern with the Forest Service's lack of coordination on this Review Process. The Board also expressed concern with the Forest Service's lack of coordination on other Forest Service issues, more specifically the Implementation Plan for Ecological Restoration for the Inyo National Forest, that Supervisors Cash and Fortney had learned about during a meeting they had attended with the Regional Forest Supervisor, Randy Moore, wherein Mr. Moore had said that he would have Ed Armenta, the Inyo Forest Supervisor, call Supervisor Cash regarding that issue the following day. Supervisor Cash said that she is still waiting for the call. Margaret Woods indicated that she could not speak to the issue addressed by Supervisor Cash and said she would follow-up with Mr. Armenta. The Board, staff, and Ms. Woods continued to discuss the proposed Predecisional Administrative Review Process, including the addition of coordination language in the letter. Moved by Supervisor Cash and seconded by Supervisor Arcularius to approve the draft correspondence regarding the Forest Service's Proposed Project-level Predecisional Administrative Review Process, with the changes discussed and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Cervantes absent.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 10:05 a.m., to reconvene in open session at 10:15 a.m., with all Board Members present, except Supervisor Cervantes.
BofS/CSAC Prop 30 Position	Supervisor Cash explained the balloting and voting protocol for CSAC's consideration of Proposition 30 - <u>Temporary Taxes to Fund Education – Guaranteed Local Public Safety Funding</u> , which is the Governors Initiative. Supervisor Arcularius explained that the balloting and voting protocol at RCRC is much less restrictive than CSAC's which Supervisor Cash explained only allows subsequent motions should the original request for support for the measure not pass. The Board discussed this Proposition, including (a) that this matter will be decided by the voters of the State, (b) the significance to the voters of the State's Counties Supervisors Organizations taking a

position on the Proposition, (c) the possible ramifications from the Governor should Inyo County choose to not support this Proposition, (d) a recommendation from the County Administrator that the Board's Representatives respond to the vote by saying "the Inyo County Board of Supervisors supports this Proposition being sent to a vote of the people," support for an abstention vote, (e) the politics attached to the Proposition, and (f) contrary positions should other State groups, i.e., State Sheriff's Association, Probation Officers Association's, etc., support the proposition. Supervisor Pucci explained that he was not a fan of "abstain" votes, but said in this instance, since the matter would be decided by the voters of the State and the County would have to live with whatever the outcome of that vote is, in this instance an "abstain" vote would be an acceptable option. Supervisor Pucci went on to make a motion, with no second to direct the Board's Representatives to CSAC and RCRC to abstain on the votes regarding Proposition 30. The motion failed on a one-to-three vote, with Supervisor Pucci voting yes, and Supervisors Arcularius, Cash and Fortney voting no. The Board and staff continued to discuss the proposition at length and in detail. Moved by Supervisor Arcularius and seconded by Supervisor Pucci to instruct the Board's Representatives to CSAC and RCRC to cast a vote of non-support for the organizations regarding Proposition 30 – Temporary Taxes to Fund Education – Guaranteed Local Public Safety Funding. Motion carried unanimously, with Supervisor Cervantes absent.

BofS/CSAC Prop 31 Position The Board discussed proposition 31 - The Government Performance and Accountability Act in detail and at length. Moved by Supervisor Cash and seconded by Supervisor Arcularius to instruct the Board's Representatives to CSAC and RCRC to abstain from taking a position on Proposition 31 - The Government Performance and Accountability Act. Motion carried unanimously, with Supervisor Cervantes absent.

Ag Comm./Position Request Moved by Supervisor Arcularius and seconded by Supervisor Cash to A) approve the new job series and job descriptions for the Agricultural Biologist/Weights and Measures Inspector I, at Range 60 (\$3,271 - \$3,973), II at Range 65 (\$3,671 - \$4,464), and Senior at Range 70 (\$4,138 - \$5,032); B) change the authorize strength by adding one Agricultural Biologist/Weights and Measures Inspector series to the Agricultural Commissioners Department; and C) find that consistent with the adopted Authorized Position Review Policy: (a) the availability of funding for the position exists as certified by the Agricultural Commissioner and concurred with by the County Administrator and the Auditor-Controller; (b) where internal candidates meet the qualifications for the position of Agricultural Biologist/Weights and Measures Inspector I, the position could be filled through a closed departmental recruitment; (c) approve the hiring of one Agricultural Biologist/Weights and Measures Inspector I at Range 60 (\$3,271 - \$3,973); (d) change the authorized strength in the Agricultural Commissioner's Department by deleting one position that becomes vacant as a result of the internal recruitment; and (e) approve all of the changes being contingent upon the Board's adoption of a FY 2012-13 budget. Motion carried unanimously, with Supervisor Cervantes absent.

HHS/Behavioral Hlth. Serv./National Recovery Month Ms. Mary Brown and Ms. Karen Kong of the Health and Human Services Department shared with the Board recovery stories, provided program information and extended an invitation to the Board for the upcoming Recovery event in the Park. Moved by Supervisor Cash and seconded by Supervisor Pucci to declare September 2012 as National Recovery Month. Motion carried unanimously, with Supervisor Cervantes absent.

HHS-ESAAA/Mono County Contract for Resident Services Ms. Jean Turner, Director of Health and Human Services and Executive Director of the Eastern Sierra Area Agency on Aging, provided further information and clarification on the request to Contract with Mono County, as a sub contractor, to provide Mono County resident senior services. Ms. Turner explained that the interim contract for services will expire at the end of September and this Contract is offering Mono County the opportunity to provide its citizens with the senior services they have been providing over the past several years. Ms. Turner went on to explain that contained within this Contract is the congregate and home delivered meals program along with a 90 day escape clause. She said that the 90 day clause will provide Inyo - in the event Inyo staff would end up providing senior services in Mono County - the ability to meet the implementation requirements of providing meals, i.e., freezer space, proper temperature, food storage space, etc., so that there is a smooth transition with no interruption in meal services to the seniors. Supervisor Arcularius commented on the contract noting that this Contract provides Mono County the opportunity to continue to provide services, including congregate and home delivered meals to its seniors, while ensuring that contingencies are in place so that ESAAA can continue to provide meal services to Mono seniors with no interruption should Mono County choose not to continue this Contract. Supervisor Arcularius reiterated her belief, which was affirmed by the remaining Board Members that Inyo County is committed to administering a program that benefits every

citizen receiving services in Inyo and Mono counties in the most efficient and cost effective way. Moved by Supervisor Cash and seconded by Supervisor Arcularius to approve the Agreement between the County of Inyo and the County of Mono for the provision of Eastern Sierra Area Agency on Aging (ESAAA) services to Mono County resident senior citizens, in the amount of \$288,701 for the period of October 1, 2012 through June 30, 2016, contingent upon (a) the Board's adoption of future budgets; and (b) obtaining the appropriate Mono County signatures by September 25, 2012; and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Cervantes absent.

- Planning/SMGB Letter The Board reviewed correspondence from the State Mining and Geology Board (SMGB) regarding the County's surface mining operations and the response from other counties to similar correspondence, and reviewed draft correspondence from the Planning Director to SMGB in response. Moved by Supervisor Cash and seconded by Supervisor Arcularius to approve the correspondence from the Planning Director to SMGB regarding SMGB's correspondence concerning the County's surface mining operations; and authorize the Planning Director to sign. Motion carried unanimously, with Supervisor Cervantes absent.
- Planning/Draft Energy Action Plan The request to provide input to staff on the DRAFT Energy Action Plan was postponed to a future Board Meeting.
- Planning/Zoning Code Update The Planning workshop regarding code enforcement and special event permit issues related to the Zoning Code Update and provide input, was postponed and rescheduled for the September 25, 2012 Board of Supervisors Meeting.
- Public Comment The Chairperson announced the second public comment period and there was no one from the public wishing to address the Board.
- Recess/Reconvene The Chairperson recessed the regular meeting at 12:10 p.m., to reconvene in closed session at 1:15 p.m., with all Board Members present, except Supervisor Cervantes.
- Closed Session The Board met in closed session to discuss and take action as appropriate on Agenda Items No. 23. **PERSONNEL [PURSUANT TO GOVERNMENT CODE §54957]** - Public Employee Appointment - Title: Director Public Works; No. 24. **PERSONNEL [PURSUANT TO GOVERNMENT CODE §54957]** - Public Employee Performance Evaluation - Title: Interim Director Public Works; No. 26. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [PURSUANT TO GOVERNMENT CODE §54956.9(a)]** – *Center for Biological Diversity, a non-profit public interest corporation; Public Employees for Environmental Responsibility, a national non-profit alliance of local, state, and federal resource professions, v. Inyo County and Inyo County Board of Supervisors*, Inyo County Superior Court Case No. SICVPT 12-53821; No. 27. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [PURSUANT TO GOVERNMENT CODE §54956.9(a)]** – *City of Los Angeles, Department of Water and Power of the City of Los Angeles v. Inyo County Board of Supervisors, et al.*, Inyo County Superior Court Case No. 12908; Blackrock 94 Dispute Resolution; No. 28. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION [PURSUANT TO GOVERNMENT CODE §54956.9(c)]** – Decision whether to initiate litigation (one case); No. 29. **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. 30. **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. 31. **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. 32. **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. 33. **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. 34. **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 3:50 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 3:50 p.m., to 9:00 a.m., Tuesday, September 11, 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