

MINUTES

County of Inyo Board of Supervisors

June 25, 2013

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 25, 2013, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Linda Arcularius presiding, Jeff Griffiths, Rick Pucci, Mark Tillemans and Matt Kingsley. Supervisor Tillemans led the Pledge of Allegiance.

- Public Comment The Chairperson announced the Public Comment Period. Mr. Dan Brady Local Public Affairs Officer for Southern California Edison, informed the Board that he is moving down south and conveyed to the Board that he has enjoyed working with Inyo County during his tenure in the Eastern Sierra. The Board wished Mr. Brady well in his future endeavors.
- County Department The Chairperson announced the County Department Report period. Ms. Jean Turner, Director of Reports Health and Human Services, reported that the Department of Aging will be in the County in September for a "monitoring visit." The County Administrator informed the Board of a change in the Board of Supervisors Meeting schedule which will begin with the July 2, 2013 meeting. He said that the Board will now begin its meeting at 8:30 a.m. with closed session, and with open session to begin around 10:00 a.m.
- Introductions Ms. Michelle Landi, Public Health Nurse, Ms. Paulette Erwin, Office Manager, and Ms. Tanya Liscio, Registered Nurse, in the Health and Human Services Department, and Ms. Pam Hennarty, Senior Deputy County Administrator in the County Administrator's Department, were introduced to the Board.
- CAO-Advt. Co. Moved by Supervisor Pucci and seconded by Supervisor Griffiths to approve Amendment No. 1 to Resc./Bishop the Community Project Sponsorship Grant Contract between the County of Inyo and the Bishop Chamber Contract Chamber of Commerce and Visitors Bureau, extending the ending date of the Contract for the Amendment Treasure Map Project from June 30, 2013 to August 31, 2013; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
- CAO-Advert. Co. Moved by Supervisor Pucci and seconded by Supervisor Griffiths to approve the payment to the Resc./L.P. Lone Pine Chamber of Commerce in the amount of \$4,500 for the completion of the sixth edition Chamber Visitor of the Inyo County Visitor Guide which is a 2012-13 Community Project Sponsorship Grant Guide Project Project. Motion carried unanimously.
- COA-General/ Moved by Supervisor Pucci and seconded by Supervisor Griffiths to approve Amendment No. 7 to Gruen Gruen the Contract between the County of Inyo and Gruen Gruen + Associates revising the scope of Contract work to include additional analysis work, and extending the ending date of the Contract to June Amendment 30, 2014, contingent upon the Board's adoption of a FY 2013-14 budget; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
- Auditor/Anti-Fraud Moved by Supervisor Pucci and seconded by Supervisor Griffiths to approve the County's Anti-Policy Fraud, Waste and Abuse Policy. Motion carried unanimously.
- Clerk-Elections/ Moved by Supervisor Pucci and seconded by Supervisor Griffiths to authorize payment of \$10,080 AtPact License to AtPact for the annual CRIis™ Software License Maintenance and Support Fee, contingent upon the Board's adoption of a FY 2013-14 budget. Motion carried unanimously.
- HHS-Behavioral Moved by Supervisor Pucci and seconded by Supervisor Griffiths to approve the FY 2012-13 Hlth. Serv./NAA Amended Negotiated Net Amount Contract between the Station of California Alcohol and Drug Contract Programs and Dept. of Health Care Services, extending the ending date of the Contract to June Amendment 30, 2014 for a new multi-year amount of \$1,701,570, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign. Motion carried unanimously.

HHS-Behavioral Hlth. Serv./Sprague Contract Moved by Supervisor Pucci and seconded by Supervisor Griffiths 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 Service Act Community Services and Supports Plan for the period of July 1, 2013 through June 30, 2014 in an amount not to exceed \$25,000, contingent upon the Board's adoption of a FY 2013-14 budget; and authorize the Chairperson to sign. Motion carried unanimously.

HHS-Behavioral Hlth. Serv./Villa Merced Contract Moved by Supervisor Pucci and seconded by Supervisor Griffiths to approve the Contract between the County of Inyo and Villa Merced Behavioral Health Center for residential placement for adults in a locked facility in an amount not to exceed \$35,000 for the period of July 1, 2013 through June 30, 2014, contingent upon the Board's adoption of a FY 2013-14 budget; and authorize the Chairperson to sign. Motion carried unanimously.

HHS-Behavioral Hlth. Serv./Echo Group Contract Moved by Supervisor Pucci and seconded by Supervisor Griffiths to approve the Contract between the County of Inyo and the Echo Group for Echo Share Care products support, software updates and hosting services, in an amount not to exceed \$119,628.72 for the period of July 1, 2013 through June 30, 2014, contingent upon the Board's adoption of a FY 2013-14 budget; and authorize the Chairperson to sign the contract and the HIPPA Business Association Agreement. Motion carried unanimously.

HHS-Soc. Serv./ Stage 1 Child Care Contract Moved by Supervisor Pucci and seconded by Supervisor Griffiths to approve the Contract between the County of Inyo and the County Superintendent of Schools for the provision of Stage I Child Care Services for the period of July 1, 2013 through June 30, 2014, in an amount not to exceed \$125,000, contingent upon the Board's adoption of a FY 2013-14 budget; and authorize the Chairperson to sign. Motion carried unanimously.

HHS- Emerg. Serv./Emerg. Medical Services Trust Fund Contracts Moved by Supervisor Pucci and seconded by Supervisor Griffiths to approve the Contracts between the County of Inyo and the following in the amounts designated to be paid from the Emergency Medical Services Trust Fund #505107, in the total amount of \$49,106.28, for the period of July 1, 2013 through December 31, 2014; and authorize the Chairperson to sign: A) Independence Volunteer Fire Department, \$5,667 for purchase of emergency response and training equipment; B) Olancha Cartago Fire Department, \$11,025 for the purchase of emergency response equipment; C) to Lone Pine Fire Department, \$11,026.80 for the purchase of emergency response and training equipment; D) Big Pine Volunteer Fire Department, \$9,999.48 for the purchase of emergency response and training equipment; and E) Southern Inyo Fire Protection District \$11,388 for training and equipment. Motion carried unanimously.

HHS-First 5/Supt. Of Schools Child Dev. Serv. Contract Moved by Supervisor Pucci and seconded by Supervisor Griffiths to approve the Contract between the County of Inyo and the Inyo County Superintendent of Schools Child Development Division for the provision of Child Development Services in an amount not to exceed \$25,200 for the period of July 1, 2013 through June 30, 2014, contingent upon the Board's adoption of a FY 2013-14 budget; and authorize the Chairperson to sign. Motion carried unanimously.

HHS-Hlth. Serv./ So. Inyo Healthcare Jail and Juvenile Medical Provider Serv. Contract Moved by Supervisor Pucci and seconded by Supervisor Griffiths to approve the Contract and Business Associate Agreement between the County of Inyo and Southern Inyo Healthcare District for jail and juvenile medical provider services and on-call nursing and nurse practitioner services in an amount not to exceed \$90,900 per year, for a total amount not to exceed \$454,500 for the period of July 1, 2013 through June 20, 2018, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign the Contract and HIPPA Business Associate Agreement. Motion carried unanimously.

Water Dept./ P. Bruce Contract Moved by Supervisor Pucci and seconded by Supervisor Griffiths to A) select Paul N. Bruce as the mediator representing Inyo County in its dispute with the City of Los Angeles Department of Water and Power for the period of June 1, 2013 through May 31, 2014; and B) approve the Contract between the County of Inyo and Paul N. Bruce for mediator services for the period of June 1, 2013 through May 31, 2014 in an amount not to exceed \$20,000, 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-First 5/ Toiyabe Indian Health Project Contract	Supervisor Griffiths declared a conflict and left the meeting. Moved by Supervisor Kingsley and seconded by Supervisor Pucci to approve the Contract between the County of Inyo and Toiyabe Indian Health Project, Inc., for the provision of Child Health Services for the period of July 1, 2013 through June 30, 2014, in an amount not to exceed \$45,000 contingent upon the Board's adoption of a FY 2013-14 budget; and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Griffiths absent. Supervisor Griffiths rejoined the meeting.
HHS-Behavioral Hlth. Serv./Position Request	Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the position of Residential Care Giver at Progress House exists in the Mental Health Budget as certified by the Director of Health and Human Services and concurred with by the County Administrator and Auditor-Controller; B) where if the County was facing layoffs, the position could be filled by internal candidates meeting the qualifications for the position, but since no layoffs are pending, an open recruitment would be appropriate to ensure qualified applicants apply; C) approve the hiring of one full-time Residential Caregiver at Range 53 (\$2,779 - \$3,308); and D) should an internal applicant be the successful candidate for the position authorize the Department to fill any resulting vacancy. Motion carried unanimously.
CAO-Personnel/ Ruud Contract	Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to approve the Contract between the County of Inyo and Atkinson, Andelson, Loya, Ruud and Romo for the provision of legal services in the area of general labor and employment advice and representation for the period of July 1, 2013 through June 30, 2014, at the hourly rate from \$115 to \$265, with travel billed at \$125, for a total amount not to exceed \$100,000, contingent upon the Board's adoption of a FY 2013-14 budget; and authorize the Chairperson to sign. Motion carried unanimously.
CAO-Personnel/ Liebert Cassidy Contract	Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to approve the Contract between the County of Inyo and Liebert Cassidy Whitmore for the provision of legal services in the area of general labor and employment advice and representation for the period of July 1, 2013 through June 30, 2014, at the hourly rate from \$140 to \$300, with travel billed at \$125, for a total amount not to exceed \$20,000, contingent upon the Board's adoption of a FY 2013-14 budget; and authorize the Chairperson to sign. Motion carried unanimously.
Water/James Contract	Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to approve the Contract between the County of Inyo and Gregory L. James for the provision of water/environmental attorney services to the Water Department for the period of July 1, 2013 through June 30, 2014, at the rate of \$155 per hour, with travel to be paid at \$50 per hour, for a total amount not to exceed \$60,000, contingent upon the Board's adoption of a FY 2013-14 budget; and authorize the Chairperson to sign. Motion carried unanimously.
Planning/James Contract	Moved by Supervisor Pucci and seconded by Supervisor Griffiths to approve the Contract between the County of Inyo and Gregory L. James for the provision of legal services related to the Yucca Mountain Repository Licensing proceedings before the Nuclear Regulatory Commission, and related Court actions, for the period of July 1, 2013 through June 30, 2014, at the base rate of \$185 per hour as set forth in Attachment B to the Contract, with travel to be paid at \$50 per hour, for a total amount not to exceed \$25,000, contingent upon the Board's adoption of a FY 2013-14 budget; and authorize the Chairperson to sign. Motion carried unanimously.
CAO/James Contract	Moved by Supervisor Kingsley and seconded by Supervisor Pucci to approve the Contract between the County of Inyo and Gregory L. James for the provision of environmental attorney services to the County Administrator for the period of July 1, 2013 through June 30, 2014, at the rate of \$155 per hour, with travel to be paid at \$50 per hour, for a total amount not to exceed \$30,000, contingent upon the Board's adoption of a FY 2013-14 budget; and authorize the Chairperson to sign. Motion carried unanimously.
P.W./Owenyo Services Contract Amendment	Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to approve Amendment No. 8 to the Contract between the County of Inyo and Owenyo Services for the operation and maintenance of the Independence, Laws, and Lone Pine town water systems, extending the term through August 31, 2013 unless terminated earlier, for a total Contract amount not to exceed \$1,996,952.52, 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.

Planning/EA on Restoration of Unauthorized Rts.	The Planning Director, Mr. Josh Hart, reviewed the U.S. Forest Service's Environmental Assessment to Implement Restoration of 58 Unauthorized routes in the White Mountains and John Muir Wilderness. He also reviewed the draft correspondence staff prepared in response to the EA. The Board and Mr. Hart, discussed the matter in detail and at length. The Board and staff discussion included, in a separate letter inviting Mr. Ed Armenta, Inyo Forest Supervisor, to brief the Board on Inyo Forest issues, adding a sentence to the letter to reiterate the County's previously noted position that each route closure and every impact to access is considered significant, requesting that work on mitigation projects for routes designated by the Travel Management Plan be expedited, and recommending that the Forest Service take advantage of willing local volunteers to help expedite the work. Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to approve the letter regarding the EA to Implement Restoration of 58 Unauthorized Routes in the White Mountains and John Muir Wilderness, as amended to reflect today's discussion, and authorize the Chairperson to sign. Motion carried unanimously.
BofS/Minute Approval	Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to approve the minutes of the June 11, 2013 Board of Supervisors Meeting. Motion carried unanimously.
Fish & Game/Fine Fund Expenditure	Moved by Supervisor Pucci and seconded by Supervisor Tillemans to approve a \$1,000 expenditure from the Inyo Fine Fund to the Bishop Lions Club to purchase fish to stock Buckley Ponds. Motion carried unanimously.
Recess/Reconvene	The Chairperson recessed the regular meeting at 9:40 a.m., to reconvene in open session at 10:20 a.m., with all Board Members present.
Public Comment	The Chairperson opened the second public comment period. Paul Melendrez, Cal Fire Division Chief, updated the Board on Cal Fire activities locally, to assure the Board of Cal Fire's presence for what is expected to be a brutal fire period, and to let the Board know that he hopes to provide these types of updates more frequently.
Board Members and Staff Reports	The Board Members reported on their activities during the preceding week, including the Lone Pine reunion, the Hamm Radio Group's event, a Fish and Wildlife Commission Meeting, which included a lengthy report on impacts of proposed designation of critical habitat for the Yellow-Legged Frog and the Yosemite Toad, a Rotary Club Meeting, an ESCOG meeting, an ESTA meeting, a Bishop City Council meeting, and a RCRC Board Meeting, which included a legislative update.
Closed Session	The Chairperson recessed open session at 10:50 a.m., to convene in closed session, with all Board Members present, to discuss and take action as appropriate on Agenda items No. 32. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(d)(1)] - 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. 33. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(d)(1)] - Owens Valley Committee v. County of Inyo; Inyo County Board of Supervisors, et al.; CG Roxanne, LLC, and Does 21 through 100, Inyo County Superior Court Case No. SICVPT 1354991; No. 34. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION [Pursuant to Government Code §54956.9(d)(4)] – Decision whether to initiate litigation (one case); No. 35. REAL PROPERTY NEGOTIATIONS [CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8] – Property: APN001-144-12, 237 North Hanby, Bishop, California, - Negotiating Parties: County Administrator, Director of Health and Human Services, and Interim Public Works Director – Negotiations: Terms and Conditions; and No. 36. REAL PROPERTY NEGOTIATIONS [CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8] – Property: APN001-105-06, 237 486 North Second Street, Bishop, California, - Negotiating Parties: County Administrator, Director of Health and Human Services, and Interim Public Works Director – Negotiations: Terms and Conditions.
Recess/Reconvene	The Chairperson recessed closed session at 11:30 a.m., to reconvene in open session, with all Board Members present.
Ord. 1180/ Bi-weekly Pay Schedule	On a motion by Supervisor Tillemans and a second by Supervisor Griffiths, Ordinance 1180 titled "An Ordinance of the County of Inyo, State of California, Amending Section 2.80.140 of the Inyo County Code to Authorize Pay to Employees on a Biweekly Basis," which will authorize the County to pay employees on a bi-weekly pay scheduled, was enacted: motion unanimously passed and adopted.

Ord. 1181/Deleting Chapter 1.16 of Inyo County Code County Counsel, Mr. Randy Keller, provided additional information regarding the request to delete Chapter 1.16 of the Inyo County which established the Inyo County Judicial District as well as the position of Constable. Mr. Justin Barton, addressed the Board to reiterate his comments from last week, and to provide additional information on the position of Marshal, which he referenced as justification for his position that the Constable not be deleted from the Inyo County Code. Mr. Keller, reiterated his comments from last week that there is no authority in the California Constitution for the County to have a Judicial District or the position of Constable. The Board, Mr. Barton and staff continued to discuss this ordinance in detail and at length, including Mr. Barton's suggestion that the Board seek an Attorney General's opinion on whether or not the position of Marshal in Inyo County exists, the concern for Mr. Barton, who had informed the Board that he was continuing to provide Marshal services irrespective of being informed that the position does not exist in Inyo County and he does not hold that title, and that the Board Order dated October 6, 2009 correcting the Statement of Votes Cast should reference the June 3, 2008 election not 2009. The Board thanked Mr. Barton for bringing his concerns forward. On a motion by Supervisor Kingsley and a second by Supervisor Tillemans, Ordinance 1181 titled "An Ordinance of the County of Inyo, State of California, Deleting Chapter 1.16 of the Inyo County Code which Established the Inyo County Judicial District," which deletes Chapter 1.16 of the Inyo County Code, was enacted: motion unanimously passed and adopted.

Closed Session The Chairperson recessed the regular meeting at 12:45 p.m., to reconvene in closed session at 1:30 p.m., with all Board Members present to continue discussion on previously noted closed session items. Supervisor Griffiths left closed session at 1:30 p.m. to rejoin the meeting at 2:25 p.m. The Chairperson recessed closed session at 2:30 a.m., to reconvene in open session, with all Board Members present.

Board Members and Staff Reports The Chairperson reopened the Board Members Report period. Supervisor Kingsley reported that a subcommittee of the Great Basin Board has successfully negotiated with the City of Los Angeles a settlement offer regarding Owens Lake issues. He explained that the settlement agreement would be considered by both the GBAPCD Board and the City of Los Angeles and will resolve the Keeler dust mitigation .

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 2:35 p.m., to 8:30 a.m., Tuesday July 2, 2013, 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