

# MINUTES

# County of Inyo Board of Supervisors

## January 15, 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 January 15, 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 Kingsley led the Pledge of Allegiance.

**Public Comment** The Chairperson announced the public comment period. Ms. Margaret Woods, U.S. Forest Service, welcomed the new Board and introduced her new Acting Deputy, Cameron Seals.

**County Department Reports** The Chairperson announced the County Department Report period. Mr. Josh Hart, Planning Director, informed the Board that the County of Inyo had been selected to receive a Block Grant for Healthy Planning for Healthy Aging from the EPA. Ms. Jean Turner, Director of Health and Human Services, updated the Board on various programs, including the WIC Program, and that video conferencing equipment is being relocated from the Bishop Senior Center to the HHS Office located next to the old KMart Building. Dr. Bob Harrington, Water Director, reminded the Board of the Water Commission Meeting to be held at the Conference Room, in the Water Department Offices in Independence, on Thursday, January 17, 2013 beginning at 6:00 p.m. The County Administrator updated the Board on the Governor's Budget that was just released.

**CAO-Film Comm./ RFP for Services** The County Administrator reviewed the Agenda Request with the Board, including providing a detailed history of the Inyo County Film Commission and the various ways in which the County has provided Film Commissioner services in recent years. He discussed, for the Board's consideration, the proposed Request For Proposals (RF), as well as possible alternatives to issuing the RFP. The County Administrator acknowledged delays in preparing the RFP and took responsibility for setting his Office's priorities. Ms. Jacque Hickman, of Lone Pine, addressed the Board to comment on the fact that Mr. Langley, whose contract expired at the end of June had continued to provide Film Commissioner services in spite of not being paid, in order to ensure program continuity. Supervisor Kingsley noted his support for Mr. Langley, commending him for his dedication to the County and commenting on the need to find a way to reimburse Mr. Langley for the work he had performed while waiting for the RFP. Mr. Chris Langley, former Inyo County Film Commissioner, addressed the Board. He acknowledged that although he knew his contract had expired and that the County was planning to issue an RFP, he continued to work in a non-official capacity to support filming in Inyo County -- taking care not to identify himself as the Film Commissioner or distribute Film Commissioner business cards, and to provide his own liability insurance. Mr. Langley provided the Board with an update on filming activities in the County which have occurred over the past six months since his Contract expired, including location scouting and support for the following major motion pictures: DJango Unchained, GI Joe, and the Lone Ranger. He talked about the many other scouting trips he had participated in as well as future filming opportunities. He also addressed the amount of revenue that can be attributed to filming in the area that provides local economic benefit. The Board, Mr. Carunchio, and Mr. Langley, continued to discuss the film commissioner activities. Mr. Bob Sigman, the former President and CEO of Republic Pictures, and currently the Executive Director of the Lone Pine Film Museum, addressed the Board to talk about the importance of filming in the County, as well as the industry relationships that Mr. Langley has fostered over his years as the Film Commissioner that are invaluable to bringing filming to the area. The Board and staff continued to discuss the services that were provided by Mr. Langley after the Contract for his services had ended and attempted to find an acceptable method to pay him for those services. The County Administrator suggested that the Board ratify a contract with Mr. Langley for the services beginning July 1, 2012 and continuing until the RFP process is concluded with a new Contract. Supervisor Kingsley made a motion that was seconded by Supervisor

Tillemans to ratify a Contract between Mr. Langley and the County beginning July 1, 2012 and ending when the RFP process is concluded at the pro rated amount of the prior year contract. Supervisor Arcularius expressed her concern about the Board approving the contract for services that were not approved. She noted her appreciation for Mr. Langley's altruism but disagreed with the expectation that he should be paid for services that he chose to provide without a contract. Supervisor Kingsley provided further clarification, saying that it was his understanding that Mr. Langley was under the impression that he would be continuing to provide the Film Commissioner services under a new Contract and felt it was important to maintain the network of industry relationships that had been established over the years. As the options for paying Mr. Langley continued to be discussed, the Auditor-Controller, Ms. Leslie Chapman, noted that the best way to accomplish that from her perspective would be through the ratification of a contract back to July 1, 2012. The Board and staff continued to discuss in detail and at great length the Board's options concerning maintaining Film Commissioner activities while the RFP process for a new contract proceeds. Mr. Randy Keller, County Counsel, provided further information and clarification on some of the Board's options, regarding the County's ability to pay retroactively for services, as well as a possible issue of a gift of public funds. Moved by Supervisor Kingsley and seconded by Supervisor Pucci to approve a contract between the County of Inyo and Chris Langley for film commissioner services as previously defined in the expired Film Commissioner Contract, for the period of January 1, 2013 through March 31, 2013, pro rated at the prior contract's yearly amount; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained and approve the RFP for Film Commissioner services as presented. Motion carried unanimously. The County Administrator asked if the any members of the Board had any questions or concerns regarding the proposed Request For Proposals for Film commissioner Services, or wanted to request changes to the RFP. The Board indicated that it approved the RFP as drafted and did not ask for any changes.

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| Recess/<br>Reconvene   | The Chairperson recessed the regular meeting at 11:00 a.m., to reconvene in open session at 11:15 a.m., with all Board Members present.  |
| Emerg. Serv./Oak<br>Creek Mudflows                               | Moved by Supervisor Pucci and seconded by Supervisor Griffiths to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.  |
| Integ. Waste/21 <sup>st</sup><br>Century Envir.<br>Mgm. Contract | Moved by Supervisor Pucci and seconded by Supervisor Griffiths to approve the Agreement between the County of Inyo and 21 <sup>st</sup> Century Environmental Management, Inc., for the removal of stored household hazardous waste from the Inyo County Waste Management Collection Lockers for the period of January 15, 2013 through June 30, 2013, in an amount not to exceed \$23,038.80; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously. |
| Motor Pool/Bishop<br>Automotive P.O.<br>Increase                 | Moved by Supervisor Pucci and seconded by Supervisor Griffiths to approve the increase in the blanket purchase order with Bishop Automotive Center for vehicle maintenance by \$20,000 to a total amount of \$40,000. Motion carried unanimously.  |
| Resol. #2013-03/<br>Hartford Deferred<br>Plan Amendment          | On a motion by Supervisor Pucci and a second by Supervisor Griffiths, Resolution No. 2013-03 titled "A Resolution of the Board of Supervisors, County of Inyo Authorizing Adoption of Amendments to the County of Inyo, Hartford Deferred Compensation Plan," was approved: motion unanimously passed and adopted  |
| Resol. #2013-04/<br>Flex Benefit Plan<br>Amendment               | On a motion by Supervisor Pucci and a second by Supervisor Griffiths, Resolution No. 2013-04 titled "A Resolution of the Board of Supervisors, County of Inyo Amending the County's Flexible Benefit Plan Document," was approved: motion unanimously passed and adopted.  |
| HHS-Behavioral<br>Hlth. Serv./Echo<br>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 implementation of ShareCare Alcohol and Other Drug (AOD) clinical software for the period of January 1, 2013 through June 30, 2013, in an amount not to exceed \$40,180; and authorize the Chairperson to sign. Motion carried unanimously.   |
| HHS-ICGOLD-<br>ESSA/Dept. of<br>Aging Contract<br>Amendment      | Moved by Supervisor Pucci and seconded by Supervisor Griffiths to approve Amendment No. 1 to the agreement between the County of Inyo and the California Department of Aging, increasing the overall allocation by \$11,454 for a total contract amount of \$762,331; and authorize the Chairperson to sign. Motion carried unanimously.   |

- P.W./ESE Contract Amendment Moved by Supervisor Pucci and seconded by Supervisor Griffiths to approve Amendment No. 2 to the Contract between the County of Inyo and ESE for engineering services increasing the Contract by \$21,576 for the Sunland Drive Bicycle Lanes Project to a total amount not to exceed \$66,956; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
- BofS/2013 Comm. Assignments The Chairperson, Supervisor Arcularius, provided additional insight into her recommendations for this year's Boards, Committees, and Commissions assignments. The County Administrator requested that the Board include an Alternate Appointment for the LTC, with Supervisor Arcularius recommending that Supervisor Tillemans serve as the LTC Alternate. Supervisor Kingsley advised the Board of his interest in the EMCC. Supervisor Tillemans' deferred to Supervisor Kingsley interests in the EMCC and offered give up the assignment so that Supervisor Kingsley could be appointed. Supervisor Griffith requested that in the future the Appointment List show that ESTA is a part of the ESCOG appointment. Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve the 2013 Board of Supervisors Committee assignments as recommended by the Chairperson Supervisor Linda Arcularius and amended to designate Supervisor Kingsley to the EMCC and Supervisor Tillemans as the Alternate on the LTC. Motion carried unanimously.
- BofS/RCRC Leg. Platform Revisions Supervisor Arcularius provided additional information and explanation regarding the RCRC's Policy Principles and the proposed revisions. The County Administrator suggested that under the "Energy" policy a paragraph be added to identify the County's expectation under the CEC's authority to permit certain renewable energy power plants and suggested the following, "RCRC recognizes the California Energy Commission's (CEC) sole authority for permitting certain renewable energy power plants. However, RCRC supports efforts to require the CEC to accept and incorporate impacts and recommended mitigation measures identified by the County in which a power plant is proposed unless clear and convincing evidence is presented in the Preliminary Staff Assessment, Final Staff Assessment, Presiding Members Proposed Decision, and/or Certification/Approval, refuting the County's Impact Analysis and demonstrating the unreasonableness of the County's requested mitigation measures." Moved by Supervisor Kingsley and seconded by Supervisor Pucci to authorize the Board's RCRC Representative, Supervisor Arcularius, to agree with the proposed Revisions to the Draft 2012 RCRC (Regional Council of Rural Counties) Policy Principles as amended to include the recommended language under "Energy." Motion carried unanimously.
- HHS-Soc. Serv./ Position Request Moved by Supervisor Pucci and seconded by Supervisor Griffiths to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for a Social Worker position exists, as certified by the Director of Health and Human Services, and concurred with by the County Administrator and Auditor-Controller; B) and 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; and C) approve the hiring of one Social Worker I at Range 61 (\$3,345 - \$4,062), or II at Range 64 (\$3,590 – \$4,363), contingent upon qualifications. Motion carried unanimously.
- HHS-ICGOLD-ESAAA/Update Ms. Jean Turner, Director of Health and Human Services, updated the Board on IC-GOLD and ESAAA issues, including reporting on the first Advisory Council Meeting and talking about a new needs assessment.
- CAO-Auditor/ MuniServices Invoice Moved by Supervisor Kingsley and seconded by Supervisor Pucci to recognize \$3,645 in additional revenue from the State Board of Equalization to pay MuniServices invoice for quarterly Sales and Use Tax Audit services by amending the FY 2012-13 County Budget as follows: increase revenue and expense in the General Revenue and Expenditures Budget Unit 011900 by increasing revenue in Sales Tax (Revenue Code #4062) by \$3,645 and increasing appropriations in Professional and Special Services (*Object Code #5265*) by \$3,645. Motion carried unanimously.
- P.W./Plans & Specs. Shoshone Modular Buildings Improvement Prjct. Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to A) approve the Plans and Specifications for the Shoshone Modular Buildings Improvement Project; B) authorize the Interim Public Works Director to advertise for bids for the Project; C) authorize the Interim Public Works Director to award the bid and Contract if the bids are within the project budget and sign all contract documents, contingent upon the appropriate signatures being obtained; and D) authorize the Public Works Director to sign all other contract documents, including change orders to the extent permitted pursuant to Section 20142 of the Public Contract Code and other applicable law, not to exceed \$27,975. Motion carried unanimously.

P.W./Roadeater Workshop	The Chairperson recessed open session at 11:45 a.m., to convene in a workshop with all Board Members present, to conduct a workshop with Public Works staff to discuss the "Roadeater" flooding disaster of August 2012.
Recess/Reconvene	The Chairperson recessed the workshop and the regular meeting at 12:25 p.m., to reconvene the regular meeting in closed session at 1:10 p.m., with all Board Members present.
Closed Session	The Board convened in closed session to discuss and take action as appropriate on Agenda Item No. 20. <b>CLOSED SESSION – PERSONNEL (Pursuant to Government Code §54957)</b> Public Employee Appointment – Title – Director of Public Works.
Recess/Reconvene	The Chairperson recessed closed session and the regular meeting at 2:10 p.m. to convene as the Board of Equalization and at 2:25 p.m., (after the conclusion of the Board of Equalization Meeting) reconvened the regular meeting in open session, with all Board Members present.
Clerk-Recorder/Workshop	The Chairperson announced that the workshop with the Clerk-Recorder on the Clerk/Recorders & Registrar of Voters Department was being rescheduled.
Planning/Forest Plan Update	Mr. Josh Hart, Planning Director, addressed the issue of coordination with Forest Service staff regarding the Inyo National Forest Plan Update/Revision. The Board and Mr. Hart had a lengthy discussion regarding the issues of coordination, the name of the agreement to be drafted regarding the County's involvement in the Update/Revision, whether the County wants to take on cooperating agency status and what that would mean. Mr. Steve Porter, Deputy County Counsel provided additional information and further explanation regarding "cooperating agency" status. Supervisor Arcularius stressed the need to ensure that the County's participation does not get relegated to cooperating agency status in place of the Forest Services' requirement for coordination with the County. She expressed her concern that the County would be reduced to member of the public status instead of the level of a "government-to-government" relationship and disagreed strongly with any suggestion that the agreement currently being drafted by staff of the Forest Service and the County be termed "Cooperating Agency Agreement." The Board and staff continued to discuss the importance of utilizing the MOA developed by CSAC and RCRC to define the Forest Services role in coordination and developing that MOA further to define the County's participation in the Forest Plan Update/Revision. The Board requested that further work be done on titling the document to frame the coordination process for the Forest Plan Update. Mr. Hart went on to update the Board on the Collaboration and Community Planning process. Mr. Hart also informed the Board of an upcoming Sierra Cascade Dialog in Sacramento on January 24 and 25, which will have a local video conferencing feed. The Board talked about sending representation with staff to Sacramento but determined that the Board's participation would take place locally. Mr. Hart also informed the Board that after the Dialog, staff will be meeting with the Forest Plan Regional Team and said that he would ensure that the meeting would also have a local video conferencing so two Board Members could participate. It was decided that Supervisors Arcularius and Griffiths would participate for the Board.
HHS/Program Workshop	The Chairperson recessed open session at 3:15 p.m. to convene in a workshop with Health and Human Services Staff to receive an overview of the Department's programs and funding sources. The Chairperson recessed the workshop at 3:30 p.m.
Water/Workshop	The Chairperson reconvened in a workshop at 3:40 p.m., with all Board Members present to receive a presentation from the Water Department concerning governance and implementation of County Water Policy. The Chairperson recessed the workshop at 4:15 p.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 an upcoming Quad State Meeting and an Independence Fire Safe Council Meeting. The Chairperson announced that today's meeting would be closed in memory of Mark Felton, the retired Independence Fire Chief who passed away recently.
Public Comment	The Chairperson opened the second public comment period and there was no one wishing to address the Board.

Closed Session

The Chairperson recessed the open session at 4:20 p.m., to reconvene in closed session, with all Board Members present to discuss and take action as appropriate on Agenda Items 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 – ANTICIPATED LITIGATION [Pursuant to Government Code §54956.9(c)]** – decision whether to initiate litigation (one case); No. 28. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code § 54957.6].** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Deputy Sheriff’s Association (DSA) - Negotiators: Labor Relations Administrator, Sue Dishion, Information Services Director, Brandon Shults, and Planning Director Josh Hart; No. 29. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code § 54957.6].** Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Elected Officials Assistant Association (EOAA) - Negotiators: Chief Probation Officer Jeff Thomson and Labor Relations Administrator Sue Dishion; No. 30. **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. 31. **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. 32. **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. 33. **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 5:50 p.m., to reconvene in open session to receive a report on closed session. County Counsel reported there were no items discussed in closed session which were required by law to be reported on in open session.

Adjournment

The Chairperson adjourned the meeting in memory of retired Independence Fire Chief Mark Felton. The Chairperson adjourned the meeting at 5:50 p.m., to 9:00 a.m., Tuesday, February 5, 2013, 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*