



# County of Inyo Board of Supervisors

## February 5, 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, February 5, 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. Christopher Moore of BrightSource addressed the Board to say that the Company has been working with Inyo County and they do not feel that they are getting anywhere, and recommended the Board go with the BrightSource Proposal, or nominate a subcommittee of the Board to work with the Company, or leave it up to the CEC.

**County Department Reports** The Chairperson announced the County Department Report period. Mr. Doug Wilson, Interim Public Works Director, reported that the final bid for the modular building for the Sheriff's Substation was \$6,588 including tax and the bid to relocate the facility is out for bid. Mr. Jon Klusmire, Museum Services Director, reported that DWP is setting up at the Museum for the Aqueduct Centennial celebration. The County Administrator, Mr. Kevin Carunchio, provided an update on the BrightSource Agreement, explaining that the County has continued to work with the Company to reach a Sales Tax Agreement, without success.

**HHS-Misc./Theft of Public Funds Update** Ms. Jean Turner, Director of Health and Human Services, updated the Board on the theft of public funds. She reported what she could on the situation, explaining that because it is on going investigation there is not a lot of public information available. She talked about security measures her Department is implementing. Ms. Turner responded to a question from the Board explaining that at this time it is unknown when more information will be released. The County Administrator explained that the investigation involves many levels, with 3 to 4 investigations proceeding with the District Attorney, the Bishop Police Department, and others. Supervisors Arcularius and Kingsley noted the Board of Supervisors support for the Health and Human Services Department, recognizing the hard work of Ms. Turner and her staff.

**Introduction** Mr. Joel Samuels, Assistant District Attorney, introduced Ms. Regina Ryu, Deputy District Attorney, to the Board.

**BofS/Yearly Appointments** Moved by Supervisor Griffiths and seconded by Supervisor Pucci to make yearly appointments as recommended by the Chairperson, Supervisor Linda Arcularius as follows: A) Supervisor Linda Arcularius to the Great Basin Air Pollution Control District Board for Form 806 reporting, and to the BLM Steering Committee and the Mental Health Advisory Board as the alternate; B) Supervisor Jeff Griffiths to the Local Agency Formation Commission for Form 806 reporting; and to the Child Care Planning Council as the Alternate; C) Supervisor Rick Pucci to the Local Agency Formation Commission and to the Great Basin Air Pollution Control District Board as the alternate, for Form 806 reporting; D) Supervisor Mark Tillemans to the Local Agency Formation Commission as the alternate, for Form 806 reporting; and F) Supervisor Matt Kingsley to the Great Basin Air Pollution Control District Board for Form 806 Reporting, and to the Standing Committee as the alternate. Motion carried unanimously.

**BofS/Planning Commission Appt.** Moved by Supervisor Griffiths and seconded by Supervisor Pucci to reappoint Ms. Cynthia (Little) Wahrenbrock as the Second District Planning Commissioner to complete an unexpired four-year term ending January 4, 2017. Motion carried unanimously.

**BofS/Planning Commission Appt.** Moved by Supervisor Griffiths and seconded by Supervisor Pucci to reappoint Mr. Ross Corner as the Fourth District Planning Commissioner to complete an unexpired four-year term ending January 4, 2017. Motion carried unanimously.

BofS/Planning Commission Appt.	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to reappoint Mr. Paul Payne as the Fifth District Planning Commissioner to complete an unexpired four-year term ending January 4, 2017. Motion carried unanimously.
Emerg. Serv./Oak Creek Mud Flows	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.
Integ. Waste/Tire Amnesty Grant	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to authorize the County Administrator to sign an authorization letter for a RCRC-ESJPA Regional Agency Tire Amnesty Grant. Motion carried unanimously.
CAO-Info. Serv./PTMS Computer P.O.	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to authorize the purchase of two server class computers from Dell in an amount not to exceed \$22,058 for the Property Tax Management System. Motion carried unanimously.
CAO-Info. Serv./Pitney-Bowes Postage Contract	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to A) approve a mail metering system rental and service agreement with Pitney-Bowes for a postage metering unit (includes primary and backup equipment located in Independence) in an amount not to exceed \$33,548 over a period of 60 months, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign. Motion carried unanimously.
County Counsel/Conflict Codes	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to receive and approve the 2012 Conflict of Interest Code Biennial Reports from Departments as recommended and receive and approve the Conflict of Interest Code from the Public Guardian-Public Administration. Motion carried unanimously.
County Counsel/Conflict Codes	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to receive and approve the 2012 Conflict of Interest Code Biennial Reports from Local Agencies as recommended and receive and approve the Conflict of Interest Code for the Big Pine Unified School District. Motion carried unanimously.
HHS-EMS/Multi Agency MOU	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve the Memorandum of Understanding (MOU) between the counties of San Bernardino and Inyo, the National Park Service and the Inland Counties Emergency Medical Agency for the purpose of providing a mutual aid plan to be effective when the demands within a Party's jurisdiction will exceed or likely exceed the available resources to be able to respond effectively to emergencies that may result from a disaster within the limits of Inyo and San Bernardino counties, and to provide for those situations in which emergencies occur where a non-county asset may provide the most effective life-saving medical treatment; and authorize the Chairperson to sign. Motion carried unanimously.
P.W./Independence Town Road Rehab Project	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve the plans and specifications for the Independence Town Roads Rehabilitation Project and authorize the Interim Public Works Director to advertise for bids for the Project. Motion carried unanimously.
Resol. #2013-06/Off-Highway Grant	On a motion by Supervisor Griffiths and a second by Supervisor Pucci, Resolution No. 2013-06 titled "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Authorizing the Submittal of the State of California Department of Parks and Recreation, Off-Highway Vehicle Grant Application," was approved: motion unanimously passed and adopted.
Sheriff/P.O. Cargo Trailers & Off Highway Vehicle	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve the purchase of one Cargo Trailer from Steamboat Trailers in an amount not to exceed \$6,882 and one Off Highway Vehicle from Honda Yamaha in an amount not to exceed \$10,053. Motion carried unanimously.
BofS/Ratification of Film Commissioner Contract	Supervisor Kingsley provided additional information and further justification for the Board to consider ratifying a contract with Mr. Chris Langley for Film Commissioner Services beginning July 1, 2012. He noted that Mr. Langley clearly performed the work, after many years on the job, he understands the expectations from the film industry, the precedent has been set in that prior year Film Commissioner contracts have been ratified, and noted the importance of the film industry to the economy of the County. The Board and staff continued to discuss the ratification of the Film Commissioner contract, with Supervisor Arcularius questioning why Mr. Langley has not yet signed the three month Contract the Board approved early in January.

Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to rescind the Contract approved on January 15, 2013 for Film Commissioner Services and ratify and approve a Contract between the County of Inyo and Chris Langley for provision of services as the Film Commissioner for the period of July 1, 2012 through March 31, 2013, in an amount not to exceed \$30,000; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried on a four-to-one vote with Supervisors Griffiths, Pucci, Tillemans and Kingsley voting yes, and with Supervisor Arcularius voting no.

Recess/  
Reconvene                    The Chairperson recessed the regular meeting 10:10 a.m., to reconvene in open session at 10:20 a.m., with all Board Members present.

Treasurer/Invest-            The Treasurer-Tax Collector, Ms. Alisha McMurtrie, reviewed the Inyo County Treasury Investment Policy with the Board. Moved by Supervisor Kingsley and seconded by Supervisor Pucci to approve the Policy as submitted. Motion carried unanimously.

Child Support Serv./  
Denevi Contract            Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to approve the Contract between the County of Inyo and Catherine Denevi for part-time hourly attorney services for the period of March 1, 2013 through December 31, 2013, in an amount not to exceed \$20,000; and authorize the Chairperson to sign. Motion carried unanimously.

HHS-Hlth. Serv./  
Position Request            Moved by Supervisor Pucci and seconded by Supervisor Tillemans to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for an A-Par Registered Nurse (RN) or Public Health Nurse (PHN) 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 A-Par RN at Range PT078 (\$26.77 – \$32.55/hour) or one A-Par PHN at Range PT080 (\$28.06 – \$34.14/hour), depending upon qualifications. Motion carried unanimously.

HHS-Behavioral  
Hlth. Serv./Villa  
Merced Contract            Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to ratify Amendment No. One to the Contract between the County of Inyo and Country Villa Merced Behavioral Health (for residential placement for adults in a locked facility and Mental Health Rehabilitation Centers) increasing the Contract by \$35,000 for a total amount not to exceed \$65,000 for the period of July 1 2012 through June 30, 2013; and authorize the Chairperson to sign. Motion carried unanimously.

Probation/EPICS  
Contract                    Moved by Supervisor Kingsley and seconded by Supervisor Pucci to approve the Contract between the County of Inyo and the University of Cincinnati, School of Criminal Justice, for training on Effective Practices for Correctional Supervision (EPICS) to the Probation Officers for the period of December 1, 2012 through June 30, 2013, in an amount not to exceed \$18,000, contingent upon the Board's approval of the 2012-13 mid-year budget; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.

Planning/Mammoth  
Lakes Housing            The Board received a presentation from Pam Hennarty of the Mammoths Lakes Housing on the First Time Homebuyer Assistance Program. The Board, Ms. Hennarty and staff discussed the program, including the use of CDBG funds, the impact on Staff, the history of the County's involvement in the Program and Staff concerns, and the CDBG process. After a lengthy discuss and after it was noted that the Inyo County Auditor-Controller did not have an opportunity to review this item, the Board requested that this item be continued to next week.

Planning/Forest  
Plan Update                The Planning Director, Mr. Josh Hart, updated the Board on coordination with Forest Service staff regarding the Inyo National Forest Plan Update/Revision. The Board and staff discussion included possibly having a Science Synthesis symposium conducted in Bishop so that eastern-side issues can be identified and addressed first hand, socio-economic impacts, fire protection and maintaining a healthy forest, minimizing control burns, public representation, and that the Forest Supervisor has been directed to move on the MOA.

CAO-CC-P.W./  
Amendment to Right  
of Way Agreement  
for Digital 395  
Project

County Counsel, Mr. Randy Keller, explained that the amendment solidifies the routes and the anchor sites and that Planning will need to approve the plans. In response to a question from Supervisor Arcularius, it was confirmed that Round Valley is on the list. Moved by Supervisor Kingsley and seconded by Supervisor Pucci to approve the First Amendment to the License Agreement for Use of County Land for Node Sites, Community Services Cabinet Sites, Anchor Sites, and For Use of County Rights of Way for Underground Fiber Optic Transmission Lines with California Broadband Cooperative, Inc., and authorize the Chairperson to sign. Motion carried unanimously.

Emerg. Serv./D.V.  
Roadeater Emerg.

The County Administrator explained that the damage to the County's roads as a result of the Roadeater Emergency continues to exceed the County's ability to pay for the repairs and the conditions of the roads continues to pose an eminent threat to public safety. He asked that the Board continue the emergency for these reasons. Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to continue the local emergency, The Death Valley Roadeater Emergency, that resulted in flooding in the eastern portion of Inyo County during the month of August 2012, per Resolution #2012-32. Motion carried unanimously.

Parks/Schober Lane  
Campground  
Concession  
Agreement

Moved by Supervisor Pucci and seconded by Supervisor Griffiths to approve the Concession Agreement Between the County of Inyo and Brown's Supply, Inc., for the operation and maintenance of the Schober Lane Campground; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.

Library/Modified  
Hours

Ms. Nancy Master, Library Services Director, provided additional information on the request to modify the library hours at the Bishop, Big Pine, and Lone Pine Branches to accommodate a request by the Superintendent of Schools for evening and weekend hours to facilitate family use of the libraries. Ms. Masters invited the Board to participate in a tour of the Bishop Library on February 13, 2013 beginning at 11:00 a.m. Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to modify open hours in the Bishop, Big Pine, and Lone Pine Branches to provide additional time for families and students to access library services, pursuant to the request of the Inyo County Superintendent of Schools Terry McAteer. Motion carried unanimously.

BofS/Minute  
Approval

Moved by Supervisor Kingsley and seconded by Supervisor Pucci to approve the minutes of the Board of Supervisors Meetings as follows: A) Regular meeting of January 15, 2013; B) Special Meeting of January 22, 2013; and C) Special Meeting of January 24, 2013. Motion carried unanimously.

Recess/  
Reconvene

The Chairperson recessed the regular meeting at 12:00 p.m., to reconvene in open session at 1:05 p.m., with all Board Members present.

CAO-Adv. Co.  
Resources/Comm.  
Prjct, Grants

Mr. Jon Klusmire, Museum Services Director, provided additional information on the recommendations for the second round of Community Project Sponsorship Program Grant awards. He said that the panel had scored most of the applications lower than previous panels and that 13 grants were above the 70% threshold. The Board and staff discussed the various applications. Mr. Alexander "Skandar" Reid, of Bishop addressed the Board to stress the importance of the Chambers of Commerce attending the Fred Hall Show. The County Administrator explained that the Community Sponsorship Program Grants did not usually fund trade shows that they were more for cultural events. Supervisor Pucci questioned the County sponsorship of the Cal Expo Exhibit and suggested that an analysis of the shows be done to find out which shows are the most beneficial to the County. Moved by Supervisor Pucci and seconded by Supervisor Kingsley to approve the second round of 13 Community Project Sponsorship Program Grant awards for 2012-13 recommended by the Community Project Sponsorship Program Grant Review Panel and in the amounts recommended by the Panel in a total amount of \$80,000; and B) authorize the County Administrator to sign contracts with the FY 2012-13 Community Project Sponsorship Program applicants in the amounts approved by the Board, contingent upon the appropriate signatures being obtained. Motion carried unanimously.

Water/LORP  
Funding Agreement

Dr. Bob Harrington, Water Director, briefed the Board on the Lower Owens River Project Post-Implementation Funding Agreement. The Board and staff discussion included that the County's portion of the budget of \$358,072 was more than DWP's portion of \$304,114 and the amounts should be equal, the noxious weed program and DWP's lack of submitting a detailed week management plan. The Board went on to provide direction to the County's Standing Committee representatives concerning items on the Agenda for the February 8, 2013 Standing Water Committee Meeting to be held in Independence, with the Board agreeing with staff's recommendations.

Child Support Serv./ Workshop	The Chairperson recessed the open session at 2:30 p.m., to convene in a workshop with all Board Members present on the Child Support Services Department. The Chairperson recessed the workshop at 2:45 p.m.
HHS-I.C. Gold- ESAAA/Workshop	The Board convened at 2:45 p.m., in a workshop with the Health and Human Services staff on the Inyo County – Growing Older, Living with Dignity Program and on the Eastern Sierra Area Agency on Aging. The Chairperson recessed the workshop at 3:15 p.m., to reconvene in open session.
Board Members and Staff Reports	The Board Members reported on their activities during the preceding week, including constituent meetings, a Northern Inyo Airport Advisory Committee Meeting, a Bishop City Council Meeting, a Community Reads event, and the Inyo Search and Rescue installation.
Public Comment	The Chairperson announced the second public comment period and there was not one wishing to address the Board.
Closed Session	The Chairperson recessed open session at 3:20 p.m., to reconvene at 3:25 p.m., in closed session, to discuss and take action as appropriate on Agenda Items No. 38. <b>CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(a)] – PROMINENT SYSTEMS, INC., a California Corporation, v. EASTERN SIERRA ENGINEERING, P.C., a Nevada Corporation; COUNTY OF INYO, a political subdivision of the State of California, Superior Court of the State of California for the County of Los Angeles BC498144; No. 39. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(a)] – RDO Construction Equipment Co., dba B &amp; B Equipment Rental by RDO Equipment Co., V Prominent Systems, Inc., County of Inyo, et al – Superior Court of the State of California for the County of Riverside, Western Division RIC1202660; No. 40. 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. 41. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(a)] – Application for Certification for the HIDDEN HILLS SOLAR ELECTRIC GENERATING SYSTEMS – Before the Energy Resources Conservation and Development Commission of the States of California Docket No. 11-AFC-02 (Bright Source); No. 42. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION [Pursuant to Government Code §54956.9(b)(3)] – significant exposure to potential litigation (one case); No. 43. 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. 44. 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. 45. 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. 46. 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. 47. 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. 48. 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.</b>
Report on Closed Session	The Chairperson recessed closed session at 7:00 p.m., to reconvene in open session to receive a report on closed session. County Counsel reported that with regard to Agenda Item No. 38. <b>CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(a)] – PROMINENT SYSTEMS, INC., a California Corporation, v. EASTERN SIERRA</b>

*ENGINEERING, P.C., a Nevada Corporation; COUNTY OF INYO, a political subdivision of the State of California, Superior Court of the State of California for the County of Los Angeles BC498144, concerning the alleged under-payment of fees to Prominent Systems, Inc., for work done on the Tecopa Sewage Pond, the Board of Supervisors in a unanimous vote with Supervisors Arcularius, Griffiths, Pucci, Tillemans, and Kingsley voting yes, authorized the County Counsel to defend the County in the matter.*

Adjournment

The Chairperson adjourned the meeting at 7:00 p.m., to 9:00 a.m., Tuesday, February 12, 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*