

Agenda

County of Inyo Board of Supervisors

Board of Supervisors Room
County Administrative Center
224 North Edwards
Independence, California

All members of the public are encouraged to participate in the discussion of any items on the Agenda. Anyone wishing to speak, please obtain a card from the Board Clerk and indicate each item you would like to discuss. Return the completed card to the Board Clerk before the Board considers the item (s) upon which you wish to speak. You will be allowed to speak about each item before the Board takes action on it.

Any member of the public may also make comments during the scheduled "Public Comment" period on this agenda concerning any subject related to the Board of Supervisors or County Government. No card needs to be submitted in order to speak during the "Public Comment" period.

Public Notices: (1) In Compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting please contact the Clerk of the Board at (760) 878-0373. (28 CFR 35.102-35.104 ADA Title II). Notification 48 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting. Should you because of a disability require appropriate alternative formatting of this agenda, please notify the Clerk of the Board 72 hours prior to the meeting to enable the County to make the agenda available in a reasonable alternative format. (Government Code Section 54954.2). (2) If a writing, that is a public record relating to an agenda item for an open session of a regular meeting of the Board of Supervisors, is distributed less than 72 hours prior to the meeting, the writing shall be available for public inspection at the Office of the Clerk of the Board of Supervisors, 224 N. Edwards, Independence, California and is available per Government Code § 54957.5(b)(1).

Note: Historically the Board does break for lunch, the timing of a lunch break is made at the discretion of the Chairperson and at the Board's convenience.

August 19, 2014

8:30 a.m. 1. PUBLIC COMMENT

CLOSED SESSION

2. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(d)(1)] – Peter/Kathy Waasdorp v. County of Inyo et al., Inyo County Superior Court Case No. SICVCV-1354910.**
3. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(d)(1)] – Travis Summers v. County of Inyo et al., Inyo County Superior Court Case No. SICVCV-1254534.**
4. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(d)(1)] – Prominent Systems v. County of Inyo et al., Kern County Superior Court Case No. S-1500-CV-279959.**
5. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(d)(1)] – Tanya Solesbee v. County of Inyo et al., United States District court, Eastern District No. 1:13-CV-01548-A WI JLT.**
6. **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 - County Administrative Officer, Kevin Carunchio, Sr. Deputy County Administrator, Pam Hennarty, Deputy Personnel Director, Sue Dishion, and Information Services Director, Brandon Shults.**
7. **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: County Administrative Officer, Kevin Carunchio, Sr. Deputy County Administrator Pam Hennarty, Deputy Personnel Director, Sue Dishion, and Information Services Director, Brandon Shults.**
8. **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 - County Administrative Officer, Kevin Carunchio, Sr. Deputy County Administrator, Pam Hennarty, Deputy Personnel Director, Sue Dishion, and Information Services Director, Brandon Shults.**

9. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Inyo County Peace Officers Association (ICPPOA) – Negotiators - County Administrative Officer, Kevin Carunchio, Sr. Deputy County Administrator, Pam Hennarty, Deputy Personnel Director, Sue Dishion, and Information Services Director, Brandon Shults.
10. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: ICEA - Negotiators - County Administrative Officer, Kevin Carunchio, Sr. Deputy County Administrator, Pam Hennarty, Deputy Personnel Director, Sue Dishion, and Information Services Director, Brandon Shults.
11. **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: - County Administrative Officer, Kevin Carunchio, Sr. Deputy County Administrator, Pam Hennarty, Deputy Personnel Director, Sue Dishion, and Information Services Director, Brandon Shults.
12. **REAL PROPERTY NEGOTIATIONS (CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE §54956.8)** – Property: APN 001-065-17, 586 Central Avenue Bishop, CA, Negotiating Parties: for Inyo County, Kevin Carunchio, County Administrator, Pam Hennarty, Sr. Deputy County Administrator, Jean Turner, Director of Health and Human Services, and Clint Quilter, Public Works Director, and Efrain Gonzales Granados and Javier Ruiz Moreno as joint tenants – Negotiations: Terms and Conditions.

OPEN SESSION

10:00 a.m. PLEDGE OF ALLEGIANCE

13. **REPORT ON CLOSED SESSION AS REQUIRED BY LAW.**
14. **PUBLIC COMMENT**
15. **COUNTY DEPARTMENT REPORTS** (*Reports limited to two minutes*)
16. **INTRODUCTION** – Mr. David Nam, Deputy County Counsel, will be introduced to the Board.

CONSENT AGENDA (Approval recommended by the County Administrator)

COUNTY ADMINISTRATOR

17. **Information Services** – Request Board approve a Master Services Agreement Amendment defining the services as invoiced by California Broadband Cooperative, Inc., and authorize the Chairperson to sign.
18. **Information Services** – Request Board approve an increase in the not to exceed amount relative to the Services Agreement between California Broadband Cooperative and the County of Inyo – Sheriff's Office for the delivery of Internet access service for a period of five years commencing on the date the service is installed from \$2,160 to \$2,690 annually (\$13,452 over five years), an increase of \$45 per month.
19. **Information Services** – Request Board approve an increase in the not to exceed amount relative to the Services Agreement between the California Broadband Cooperative and the County of Inyo – Health and Human Services for delivery of Internet access service for a period of five years commencing on the date the service is installed from \$1,440 to \$1,800 annually (\$9,000 over five years), an increase of \$30 per month.
20. **Information Services** – Request Board approve an increase in the not to exceed amount relative to the Services Agreement between California Broadband Cooperative and the County of Inyo – Information Services for the delivery of Internet access service for a period of five years commencing on the date the service is installed from \$12,000 to \$12,720 annually (\$63,600 over five years), an increase of \$60 per month.

21. **Personnel** – Request approval of the August 19, 2014 through September 30, 2016 Memorandum of Understanding between the County of Inyo and the elected officials Assistant Association (EOAA); and authorize the Chairperson to sign.
22. **Purchasing** – Request Board award bid No. 2014-07, Printing 2014/15 FY to The Hanigan Company, Inc., and authorize purchase orders to be approved for various County Departments to order printing from this bid for FY 2014-15, contingent upon the Board adoption of a FY 2014-15 budget.

DEPARTMENTAL (To be considered at the Board's convenience)

23. **HEALTH AND HUMAN SERVICES – Behavioral Health Services** - Request Board A) amend the Department authorized strength by adding one full-time Administrative Analyst I or II position, at Range 68-70 (\$4,025 – \$5,133); and B) find that consistent with the adopted Authorized Position Review Policy: (1) the availability of funding for the positions of Administrative Analyst and Behavioral Health Registered Nurse exists, as certified by the Director of Health and Human Services and concurred with by the County Administrator and the Auditor-Controller; (2) where internal candidates meet the qualifications for the Administrative Analyst position, the vacancy could be filled through an internal recruitment, and while it is unlikely that the Behavioral Health Registered Nurse position could be filled by internal candidates meeting the qualifications for the position, an open recruitment would be appropriate to ensure qualified applicants apply for the specialized position; and (3) approve the hiring of one Behavioral Health Registered Nurse I at Range 78 (\$5,097-\$6,195) or II at Range 80 (\$5,343-\$6,498) contingent upon qualifications, and one Administrative Analyst I at Range 68 (\$4,025-\$4,890) or II at Range 70 (\$4,221-\$5,133) contingent upon qualifications.
24. **PLANNING** – Request approval of the rural Desert Southwest Brownfields Coalition Area Wide Plan, revised to reflect the Board comments on the plan as discussed during the June 17, 2014 Board of Supervisors Meeting.
25. **PUBLIC WORKS** – Request approval of the Contract between the County of Inyo and LSC Transportation Consultants for the provision of transportation planning services for the period of August 19, 2014 through April 30, 2015, in an amount not to exceed \$78,305, contingent upon the Board's adoption of a FY 2014-15 budget; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained.
26. **WATER DEPARTMENT** – Request Board A) discuss and, as appropriate, take action on a possible County position regarding support for the State Groundwater Legislation in context to the provisions of the Long Term Water Agreement (LTWA) including any request from the City of Los Angeles to be able to support the legislation; and B) depending upon the Board's position and the information provided by the City of Los Angeles Department of Water and Power concerning support of such legislation, as provided for in the LTWA, consider correspondence supporting the State's groundwater legislation, and authorize the Chairperson to sign.
27. **COUNTY ADMINISTRATOR - Emergency Services** - Request Board 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, as recommended by the County Administrator.
28. **COUNTY ADMINISTRATOR – Emergency Services** - Request Board continue the local emergency, The Gully Washer Emergency that resulted in flooding in the central, south and southeastern portion of Inyo County during the month of July, 2013, as recommended by the County Administrator.
29. **COUNTY ADMINISTRATOR - Emergency Services** - Request Board continue the local emergency, The Canyon Crusher Emergency, that resulted in flooding in the portions of Inyo County during the month of August, 2013, was recommended by the County Administrator.
30. **COUNTY ADMINISTRATOR - Emergency Services** – Request Board continue the local emergency, known as the “Land of EVEN Less Water Emergency” that was proclaimed as a result of extreme drought conditions that exist in the County as recommended by the County Administrator.
31. **CLERK OF THE BOARD** – Request approval of the minutes of the August 12, 2014 Board of Supervisors Meeting.

TIMED ITEMS (Items will not be considered before scheduled time)

- 1:30 p.m. 32. **PUBLIC WORKS** – Request Board A) conduct a workshop to receive an update on the status of the See Vee Lane Extension Project, and discuss the background of the project, the alternatives for the project, and the results of the public meeting that was held on July 9, 2014; and B) provide direction to the staff on how to proceed with the project.

CORRESPONDENCE - ACTION

33. **SIERRA COUNTY BOARD OF SUPERVISORS** – Request for Inyo County to join in the effort to get 22 California counties that encompass the land area of the Sierra Nevada regarding fire severity and fire fuels/biomass conditions and recommended actions to develop and implement an action plan to mitigate ongoing and increasing fire severity conditions.

COMMENT (Portion of the Agenda when the Board takes comment from the public and County staff)

34. **PUBLIC COMMENT**

BOARD MEMBERS AND STAFF REPORTS

CORRESPONDENCE - INFORMATIONAL



**AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO**

*For Clerk's Use
Only:
AGENDA NUMBER*

17

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: County Administrator – Information Services

FOR THE BOARD MEETING OF: **August 19, 2014**

SUBJECT: California Broadband Cooperative, Inc. Master Services Agreement Amendment #1

DEPARTMENTAL RECOMMENDATION:

Request your Board A) approve a Master Services Agreement Amendment defining the services as invoiced by California Broadband Cooperative, Inc. (CBC); and B) Authorize the Chairperson to sign the Amendment.

SUMMARY DISCUSSION:

In January 2014, the County of Inyo entered into a Master Services Agreement and three specific service agreements with CBC for the provision of broadband services for a term of five years. CBC issued invoices for services beginning May 2014. Unfortunately there is no information on the invoices from CBC that associates a given invoice to a specific service agreement or a specific service. Due to their ambiguity, the invoices are not suitable for payment.

Information Services requested that CBC alter the content of the invoices such that the service agreement and/or services they pertained to would be clearly referenced on the invoice. CBC responded that it would be cost prohibitive to make such a change. As a result, Information Services worked with County Counsel to produce an amendment to the Master Services Agreement that would achieve a similar result by defining the service being billed; eliminating the ambiguity of the invoices and making the invoices suitable for payment.

ALTERNATIVES:

Your Board could choose not to approve this request in which case the invoices would remain not suitable for payment, broadband services from CBC may not be available to the County of Inyo and further efforts including legal actions may be required to resolve the issue.

OTHER AGENCY INVOLVEMENT:

Any department or agency operating under the authority of the County of Inyo Board of Supervisors receiving services from CBC is affected.

FINANCING:

Funding for broadband services has been requested in the Information Services budget [011081-5351] (Utilities), Health and Human Services budget [055800-5351] (Utilities); and the Sheriff's Office budget [022700-5351] (Utilities).

APPROVALS	
COUNTY COUNSEL: 	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by county counsel prior to submission to the board clerk.) Approved: <u>yes</u> Date <u>8/7/2014</u>
AUDITOR/CONTROLLER: 	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.) Approved: <u>yes</u> Date <u>8/12/14</u>
PERSONNEL DIRECTOR: 	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.) Approved: _____ Date _____
DEPARTMENT HEAD SIGNATURE: (Not to be signed until all approvals are received)  Date: <u>8/12/14</u>	

**AMENDMENT NUMBER 1 TO
 AGREEMENT BETWEEN THE COUNTY OF INYO AND CALIFORNIA BROADBAND
 COOPERATIVE, INC. FOR THE DELIVERY OF TELECOMMUNICATIONS AND
 INFORMATION SERVICES**

WHEREAS, the County of Inyo (hereinafter referred to as "County") and California Broadband Cooperative, Inc., of Vallejo, CA (hereinafter referred to as "CBC"), have entered into an Agreement for the Delivery of Telecommunications and Information Services dated January 1, 2014;

WHEREAS, Section 2.19 Amendments, of such Agreement provides that it may be amended by a written instrument executed by the parties;

WHEREAS, County and CBC do desire and consent to amend such Agreement as set forth below;

County and Contractor hereby amend such Agreement as follows:

Services provided are invoiced as defined below:

Service Agreement Name	Service Locations	Service ID	Product Type
Inyo County Information Services	Inyo County Information Services - 224 N. Edwards Independence CA 93526	INT-10002	50Mb CBC INTERNET
	Bishop Library - 210 Academy Ave. Bishop, CA 93514	INT-10048	50Mb CBC INTERNET
Inyo County Health and Human Services	Health and Human Services 380 N. Mt. Whitney Dr. Lone Pine CA 93545	ELAN-10052	20Mb CBC PTP
	Inyo County Information Services 224 N. Edwards Independence CA 93526		
Inyo County Sheriff Lone Pine	Inyo County Sheriff Lone Pine 726 Main St. Lone Pine CA 93545	ELAN-10050	20Mb CBC PTP
	Inyo County Information Services 224 N. Edwards Independence CA 93526		
	Search and Rescue 350 Airport Rd. Bishop CA 93514	ELAN-10051	10Mb CBC PTP
	Inyo County Information Services 224 N. Edwards Independence CA 93526		

The effective date of this Amendment to the Agreement is _____.

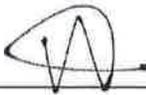
All the other terms and conditions of the Agreement are unchanged and remain the same.

IN WITNESS THEREOF, THE PARTIES HERETO HAVE SET THEIR HANDS AND SEALS THIS DAY OF _____, _____.

COUNTY OF INYO

CBC

By: _____
Signature

By:  _____
Signature

Type or Print _____

N. Keeler
Type or Print _____

Dated: _____

Dated: 08/12/2014

Approved as to form and legality:

Approved as to personnel requirements:

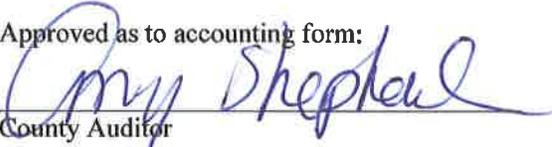


County Counsel

Personnel Services

Approved as to accounting form:

Approved as to risk management:



County Auditor

County Risk Management



**AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO**

*For Clerk's Use
Only:
AGENDA NUMBER*

18

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: Sheriff's Office, Information Services

FOR THE BOARD MEETING OF: August 19, 2014

SUBJECT: Increase Not To Exceed Amount for California Broadband Cooperative, Inc. Services Agreement – Sheriff's Office \$45 per month

DEPARTMENTAL RECOMMENDATION:

Request your Board A) approve an increase in the not to exceed amount relative to the Services Agreement between California Broadband Cooperation (CBC) and the County of Inyo – Sheriff's Office for the delivery of Internet access service for a period of 5 years commencing on the date the service is installed from \$2,160 to \$2,690 annually (\$13,452 over five years); an increase of \$45 per month.

SUMMARY DISCUSSION:

In January 2014, the County of Inyo entered into a Master Services Agreement and three specific service agreements with CBC for the provision of broadband services for a term of five years. CBC issued invoices for services beginning May 2014.

The Master Services Agreement states that certain fees and taxes will be passed through with no markup to the customer. However, these charges were not indicated on the specific service agreement and, as a result, were inadvertently not included in the original not to exceed amount presented to the Board for approval in January 2014.

ALTERNATIVES:

The County agreed to these charges when the Mater Services Agreement was signed. It is unlikely that the County would prevail should the charges be challenged.

OTHER AGENCY INVOLVEMENT:

The Sheriff's Office and Information Services are affected by this request.

FINANCING:

The cost of the service for FY 2014-15 is requested in the Sheriff's Office FY 2014-15 budget [022700-5351] (Utilities). Funding for subsequent fiscal years will be requested in the Sheriff's Office budget for those years.

APPROVALS	
COUNTY COUNSEL: 	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by county counsel prior to submission to the board clerk.) Approved: <u>yes</u> Date <u>8/7/2014</u>
AUDITOR/CONTROLLER: 	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.) Approved: <u>yes</u> Date <u>8/12/14</u>
PERSONNEL DIRECTOR: 	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.) Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)

 Date: 8/12/14



**AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO**

<p><i>For Clerk's Use Only:</i> AGENDA NUMBER</p> <p align="center">19</p>

- Consent
 Departmental
 Correspondence Action
 Public Hearing
 Scheduled Time for
 Closed Session
 Informational

FROM: Health and Human Services, Information Services

FOR THE BOARD MEETING OF: August 19, 2014

SUBJECT: Increase Not To Exceed Amount for California Broadband Cooperative, Inc. Services Agreement – Health and Human Services \$30 per month

DEPARTMENTAL RECOMMENDATION:

Request your Board A) approve an increase in the not to exceed amount relative to the Services Agreement between California Broadband Cooperation (CBC) and the County of Inyo – Health and Human Services for the delivery of Internet access service for a period of 5 years commencing on the date the service is installed from \$1,440 annually to \$1,800 (\$9,000 over five years); \$30 per month

SUMMARY DISCUSSION:

In January 2014, the County of Inyo entered into a Master Services Agreement and three specific service agreements with CBC for the provision of broadband services for a term of five years. CBC issued invoices for services beginning May 2014.

The Master Services Agreement states that certain fees and taxes will be passed through with no markup to the customer. However, these charges were not indicated on the specific service agreement and, as a result, were inadvertently not included in the original not to exceed amount presented to the Board for approval in January 2014.

ALTERNATIVES:

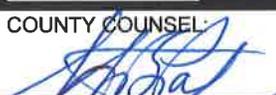
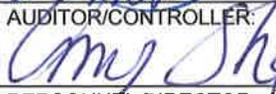
The County agreed to these charges when the Mater Services Agreement was signed. It is unlikely that the County would prevail should the charges be challenged.

OTHER AGENCY INVOLVEMENT:

The Sheriff's Office and Information Services are affected by this request.

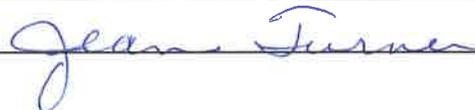
FINANCING:

The cost of the service for FY 2014-15 is requested in the Social Services FY 2014-15 budget [055800-5351] (Utilities). Funding for subsequent fiscal years will be requested in the Health and Human Services budget for those years.

APPROVALS	
COUNTY COUNSEL: 	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by county counsel prior to submission to the board clerk.) Approved: <u>yes</u> Date <u>8/7/2014</u>
AUDITOR/CONTROLLER: 	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.) Approved: <u>yes</u> Date <u>8/14/14</u>
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel Services prior to submission to the board clerk.) Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)



Date: 8-12-14



**AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO**

*For Clerk's Use
Only:
AGENDA NUMBER*

20

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: County Administrator – Information Services

FOR THE BOARD MEETING OF: August 19, 2014

SUBJECT: Increase Not To Exceed Amount for California Broadband Cooperative, Inc. Services Agreement – Information Services \$60 per month

DEPARTMENTAL RECOMMENDATION:

R Request your Board A) approve an increase in the not to exceed amount relative to the Services Agreement between California Broadband Cooperation (CBC) and the County of Inyo – Information Services for the delivery of Internet access service for a period of 5 years commencing on the date the service is installed from \$12,000 annually to \$12,720 (\$63,600 over five years); \$60 per month.

SUMMARY DISCUSSION:

In January 2014, the County of Inyo entered into a Master Services Agreement and three specific service agreements with CBC for the provision of broadband services for a term of five years. CBC issued invoices for services beginning May 2014.

The Master Services Agreement states that certain fees and taxes will be passed through with no markup to the customer. However, these charges were not indicated on the specific service agreement and, as a result, were inadvertently not included in the original not to exceed amount presented to the Board for approval in January 2014.

ALTERNATIVES:

The County agreed to these charges when the Mater Services Agreement was signed. It is unlikely that the County would prevail should the charges be challenged.

OTHER AGENCY INVOLVEMENT:

All County systems connected to the County network are affected by the Internet access described in this request.

FINANCING:

The cost of the service for FY 2013-14 will be paid from and is budgeted in the Board approved Information Services FY 2013-14 budget [011801-5351] (Utilities). Funding for subsequent fiscal years will be requested in the Information Services budget for those years.

APPROVALS	
COUNTY COUNSEL: 	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by county counsel prior to submission to the board clerk.) Approved: <u>yes</u> Date <u>8/7/2014</u>
AUDITOR/CONTROLLER: 	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.) Approved: <u>yes</u> Date <u>8/12/14</u>
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.) Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE: Date: 8/12/14
(Not to be signed until all approvals are received)



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

21

- XX Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: Kevin Carunchio, County Administrator

FOR THE BOARD MEETING OF: August 19, 2014

SUBJECT: Adoption of the August 19, 2014- September 30, 2016 Elected Officials Assistant Association MOU

DEPARTMENTAL RECOMMENDATION:

Request Board approve the August 19, 2014 through September 30, 2016 Memorandum of Understanding between the County of the Inyo and the Elected Officials Assistant Association (EOAA).

SUMMARY DISCUSSION:

Your Board has given direction regarding negotiations on the current contract with the Elected Officials Assistants Association (EOAA). At this time, negotiations have concluded successfully with all parties agreeing on the Memorandum of Understanding.

ALTERNATIVES:

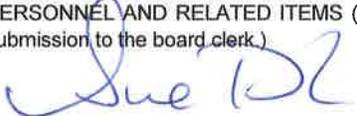
Your Board could choose not to approve the Memorandum of Understanding and direct staff to re-negotiate the terms with EOAA.

OTHER AGENCY INVOLVEMENT:

Personnel Department
 County Counsel

FINANCING:

The increased costs will be absorbed in the affected Department Budgets.

APPROVALS	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i> Approved: _____ Date _____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i> Approved: _____ Date _____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i>  Approved: <input checked="" type="checkbox"/> Date <u>8/12/14</u>

DEPARTMENT HEAD SIGNATURE: (Not to be signed until all approvals are

received) Kevin Carunchio

Date: 8/12/14

by Sue DC

**COMPREHENSIVE
MEMORANDUM OF UNDERSTANDING BETWEEN
THE COUNTY OF INYO
AND THE ELECTED OFFICIALS ASSISTANTS ASSOCIATION**

August 19, 2014 – September 30, 2016

ARTICLE 1. RECOGNITION

The County of Inyo (hereinafter called the "County") has recognized the Elected Officials Assistants Association (hereinafter called the "Association") as the formally recognized employee organization of bargaining unit employees for the purpose of meeting its obligations under the Meyers-Milius-Brown Act, Government Code section 3500, *et seq.*, when rules, regulations, or laws affecting wages, hours and other terms and conditions of employment are amended or changed. This Agreement applies to all employees in the Association bargaining unit.

ARTICLE 2. EFFECT OF PRIOR MEMORANDA OF UNDERSTANDING AND RESOLUTIONS

This Agreement supersedes all prior Memoranda of Understanding between the County and the Association, and the Resolution approving such prior Memoranda of Understanding.

ARTICLE 3. NON-DISCRIMINATION

Section 1. The County will recognize and will protect the rights of all employees hereby to join and/or participate in protected Association activities, or to refrain from joining or participating in protected activities, in accordance with Government Code sections 3500 to 3511.

Section 2. The County and the Association agree that they shall not discriminate against any employee because of race, color, sex, age, national origin, ancestry, political or religion or religious creed, marital status, physical or mental disability, medical condition or sexual orientation. The County and the Association shall reopen any provision of this Agreement for the purpose of complying with any final order of a federal or state agency or court of competent jurisdiction requiring a modification or change in any provision of provisions of this Agreement to be in compliance with state or federal anti-discrimination laws.

Section 3. Whenever the masculine gender is used in this Agreement, it shall be understood to include the feminine gender.

ARTICLE 4. PERSONNEL RULES AND REGULATIONS

The Personnel Rules are hereby incorporated by reference and Attachment E.

ARTICLE 5. MEMBERSHIP

The Association represents the following positions:

Assistant District Attorney
Assistant Auditor/Controller
Assistant Treasurer/Tax Collector
Assistant Assessor
Assistant Clerk/Recorder

ARTICLE 6. MERIT SYSTEM MEMBERSHIP

Those positions represented by the Association shall remain part of the County Merit System, with the terms and conditions of their employment covered by the Merit System rules, the County of Inyo Personnel Rules and Regulations and this Memorandum of Understanding.

ARTICLE 7. SALARIES

Section 1. The positions represented by the Association are flat salaried positions and are not subject to a career ladder or step increases.

Section 2. Salaries for employees represented by EEOA shall be paid in accordance with Attachment A. County will provide the following COLA'S:

May 2014: 2% COLA effective May 8, 2014, which is the first full pay period in May
July 2014: 2% COLA effective July 3, 2014, which is the first full pay period in July.
July 2015: 2% COLA effective July 2, 2015, which is the first full pay period in July.

Section 3. Longevity Pay: The County will provide the following longevity increases after ten (10) years of consecutive service:

10 years - 2%
15 years – 2%
20 years – 2%
25 years – 2%

ARTILCE 8. BENEFITS

Section 1. The County shall maintain the existing health, dental, vision and life insurance.

Section 2. County agrees to pay 80% of the premium of PERS Choice or PERS Select Plans. Employee will be responsible for 20% of the premium. The maximum the County will contribute toward a different CalPERS plan other than listed above will be 80% of PERS Choice premium.

Section 3. County will reimburse 50% of the annual medical deductible after the full deductible per person has been paid.

Section 4. County agrees to provide through Delta Dental orthodontia benefits for adults and children, 50% benefit schedule; \$1,200 lifetime maximum.

Section 5. County will pay the following per pay period to each employee who has other medical coverage and has opted out of the County's medical plan:

- Eligible for employee only coverage = \$92.31 per pay period
- Eligible for employee plus one coverage = \$184.62 per pay period
- Eligible for family coverage = \$276.93 per pay period

Section 6. Except as specified herein, the represented employees shall receive all benefits as provided for in the Personnel Rules and Regulations.

ARTICLE 9. RETIREMENT PROVISION

Section 1. County agrees to provide 2% at 55 full formula PERS retirement for all represented employees.

Section 2. County agrees to pay the member's contribution for PERS retirement, at the rate of 7% of gross pay, less Social Security (FICA) adjustment.

Section 3. Full-time employees shall pay their own contribution for both Social Security and Medicare through payroll deduction.

Section 4. PERS benefits to represented employees shall consist of:

- a. Final compensation to be based on highest one year salary;
- b. Include post-retirement survivor allowance;
- c. Allow 260 days of accrued sick leave to be added to service credit;
- d. Employer Paid Member Contribution (EPMC)
- e. All other provisions as amended in the County PERS contract.

Section 5. Any new employee hired after January 2013 will be hired under the new PERS formula 2% at 62; and,

- The highest year will be based on the 3 highest years of service
- The employee will be required to pay the member's contribution at the rate stated in the Inyo County PEPR contract. Currently 6.50%.

ARTICLE 10. ADMINISTRATIVE HOURS

Section 1. The County shall grant employees 24 hours of Administrative hours each calendar year.

Section 2. Administrative hours will be granted each January 1 and must be exhausted by the following December 31. Administrative hours will not accrue from one calendar year to the next, with the following exception.

Section 3. Administrative hours will not be paid should an employee terminate, for any reason, from County services.

Section 4. An employee requesting administrative hours shall give a minimum of 48 hours' notice to his/her supervisor. A request to take the leave may be denied due to the operational needs of the employee's department.

Section 5. New employees, upon appointment, shall be granted a prorated number of Administrative hours as follows:

April 1 through September 30.....2 Days
October 1 through December 31.....1 Day

Section 6. If there are any proposed changes to administrative leave provisions for any other groups (except Department Heads) during the term of the agreement, the County and EOAA shall re-open negotiations on this item only, for the sole purpose of possible improvements to this benefit.

ARTICLE 11. ELEVATION TO ELECTED OFFICE

In the event a represented employee is selected to fill a vacancy in an office of an elected official or is elected to the County office for which the employee is the Assistant, the represented employee may carry over to the new position up to 260 days of sick leave for the sole purpose of converting such sick leave at the time of the employee's retirement. Should the employee leave office without retiring, the sick leave carried over will be lost and not subject to being restored (in the case of the employee returning to a County merit system position) or cashed out.

ARTICLE 12. DISCIPLINE AND GRIEVANCES

Except as provided herein, all disciplinary matters and grievances shall be governed by Article XII and XIII of the Personnel Rules and Regulations.

ARTICLE 13. PROFESSIONAL LICENSES AND ORGANIZATIONS

The County shall pay for any mandatory professional licenses required for any represented employee to perform his or her job duties.

ARTICLE 14. EXEMPT EMPLOYEES

The Association agrees that all of its represented positions are exempt from overtime and compensatory time off compensation under the Fair Labor Standards Act.

ARTICLE 15. ELEVATED TO ELECTED OFFICIAL

In the event an Elected Office is vacated by an Elected Official, a represented employee temporarily assigned the duties of that Elected Official shall have his/her gross PERSable salary increased to the amount the Elected Official received when the office was vacated. Such increase shall be paid beginning the date the office was vacated until the vacancy is filled by either the Board of Supervisors or an election, whichever is earlier.

ARTICLE 16. AUTHORIZED AGENTS

Authorized agents, for the purpose of administering the terms and provision of this Memorandum of Understanding shall be:

- a. County Administrative Officer
P.O. Box "N"
Independence, CA 93526
- b. President
Elected Officials Assistants Association
Independence, CA 93526

ARTICLE 17. SOLE AND ENTIRE MEMORANDUM OF UNDERSTANDING

Section 1. It is the intent of the parties hereto that the provisions of this Memorandum of Understanding shall supersede all prior agreements and memoranda of agreement or memoranda of understanding, or contrary salary and/or personnel resolutions, or written, expressed or implied, between the parties, and shall govern the entire relationship and shall be the sole source of any and all rights which may be asserted hereunder. This Memorandum of Understanding is not intended to conflict with Federal or State Law.

Section 2. The parties acknowledge that the Board of Supervisors will adopt this agreement by resolution and that said resolution shall remain in full force and effect during the life of this Memorandum of Understanding.

ARTICLE 18. NO STRIKE – NO LOCKOUT

Section 1. The Association, its officers, agents, representatives, and/or members agree that during the term of this MOU they will not cause or condone any strike, walkout, slowdown, sickout or any other job action by withholding or refusing to perform services.

Section 2. The County agrees that it shall not lockout its employees during the term of this MOU. The term “lockout” is hereby defined so as not to include the discharge, suspension, termination, layoff, failure to recall or failure to return to work of employees of the County in the exercise of its rights as set forth in any of the provisions of the MOU or applicable ordinance or law.

Section 3. Any employee who participates in any conduct prohibited in Section 1 above may be subject to disciplinary action up to and including discharge.

Section 4. In the event that any one or more officers, agents, representatives, or members of the Association engage in any of the conduct prohibited in Section 1 above, the Association shall immediately instruct any persons engaging in such conduct that their conduct is in violation of this MOU and is unlawful and they must immediately cease engaging in conduct prohibited in Section 1 above, and return to work.

ARTICLE 19. EMERGENCY WAIVER

In the event of circumstances beyond the control of the County, such as acts of God, fire, flood, insurrection, civil disorder, national emergency, or similar circumstances, if the Chief Administrative Officer or his designee so declares, any provisions of this Agreement, which restricts the County’s ability to respond to these emergencies, shall be suspended for the duration of such emergency. After the emergency is declared over, the Association shall have the right to meet and confer with the County regarding the impact on employees of the suspension of these provisions of this Agreement and any Personnel rules and policies.

ARTICLE 20. SEVERABILITY

Should any provision of this MOU be found to be inoperative, void, or invalid by a court of competent jurisdiction, all other provisions of this MOU shall remain in full force and effect.

ARTICLE 21. WAIVER

Section 1. The parties mutually agree that, except as specifically provided herein, neither party shall seek to negotiate or bargain with reference to wages, hours, or terms and conditions of employment, regardless of whether covered by this MOU or in the negotiations or mediation leading thereto and irrespective of whether or not such matters

were discussed or were even within the contemplation of the parties hereto during the negotiations or mediation leading to this MOU.

Section 2. The parties shall reopen any provision of this MOU for the purpose of complying with any final order of a federal or state agency or court of competent jurisdiction requiring a modification or change in any provision or provisions of this MOU in order to comply with state or federal laws.

Section 3. The parties acknowledge that this MOU shall not be in force or effect until ratified by the Association and adopted by the Board of Supervisors of the County of Inyo.

ARTICLE 22. MEMORANDUM OF UNDERSTANDING

The term of this Memorandum of Understanding shall be in force and effect from August 19, 2014 through September 30, 2016. The County will provide each employee represented by the Association with a copy of this and all subsequent MOUs.

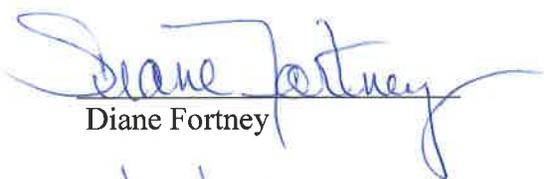
ARTICLE 23. RATIFICATION AND EXECUTION

The County and the Association acknowledge that this Memorandum of Understanding shall not be in full force and effect until ratified by the Association and adopted by the Board of Supervisors of the County of Inyo. Subject to the foregoing, this Memorandum of Understanding is hereby executed by the authorized representatives of the County and Association, and entered into this 19th day of August 2014

County of Inyo

Elected Assistant Officials

Susan Cash, Chairperson



Diane Fortney

Date

8/12/14

Date

Attachment A
Elected Officials Assistant Association

Assistant Assessor	\$6,074
Assistant Auditor	\$6,074
Assistant Clerk/Recorder	\$6,074
Assistant District Attorney	\$8,974
Assistant Treasurer/Tax Collector	\$6,074

ATTACHMENT B

Definitions

Career Ladder. A career ladder is a term used to define movement through a job series (e.g., Office Clerk I, II, III) as the employee acquires additional skills, responsibilities and experience. Job titles or positions within a job series constitute distinct classifications

ARTICLE IV

CLASSIFICATION PLAN

4.1 Preparation, Adoption and Amendment. The County Administrator shall ascertain and record the duties and responsibilities of all County positions in the classified service for inclusion in the classification plan. The classification plan shall be so developed and maintained to ensure that all positions which are substantially similar with respect to duties, responsibilities, authority and character of work are included within the same class, and that the same schedules of compensation shall apply to all positions in the same class. Each classification shall have a written specification. Classification specifications are explanatory, but not restrictive. The listing of particular tasks shall not preclude the assignment of other related kinds of tasks or related jobs requiring lesser skills.

The classification plan may be amended or revised, as required. At a minimum, the County agrees that it shall review the classification plan every 5 to 7 years, counting from the effective date of this amendment to this section. As part of its review, the County shall consult with the bargaining units to identify classifications within the prevue of the bargaining unit(s) that the bargaining units believe should be evaluated for re-classification. As part of its review, the County shall also meet with the bargaining units to share the results of the classification review and any recommendations it plans to make, if any, to the affected classifications.

4.2 Allocation of Positions. Positions shall be as approved by the Board of Supervisors in the annual budget (Authorized Staffing). Department heads shall not appoint persons to a position, which is not approved. The County Administrator shall approve the appointment of employees to positions in the classification plan. Only allocated positions which have been approved by the Board may be filled, except that emergency and 1-15.99 part-time positions, temporary positions, seasonal position may be approved and filled by the County Administrator without prior Board approval.

4.3 New Positions. When a new position is created, no person shall be appointed or employed to fill the position prior to the position's assignment to a class of position, unless otherwise provided by these Rules.

4.4 Reclassification. Except in limited circumstances, the County intends the classification plan review process described in Section 4.1 to be the mechanism by which positions are reclassified. However, the County recognizes that the duties of positions may change unexpectedly and substantially between classification plan review periods due to changes in the County Code, policies, or programs, or State or Federal laws and regulations. This section is intended to delineate the circumstances and procedures by which positions may be reclassified between classification plan review periods. This section is not intended to provide for the reclassifications of positions which have been changed substantially over time so as to require reclassification, as this will be accomplished through the periodic classification review process described in Section 4.1. Furthermore, reclassification, as described in this section, shall not be used for the purpose of avoiding rules governing demotions or promotions, nor shall it be used to allow or ratify a department head routinely working employees out-of-class or otherwise altering the department's Authorized Staffing as determined through the County's budget process. Should the duties of a position change over time, the department head may request the reclassification of the position during the periodic compensation plan review process. Reclassifications shall not be used for the purpose of avoiding restrictions concerning demotions and promotions, nor shall they be used to reclassify positions within a job series with specific career ladders.

In order for a position to be considered for reclassification outside of the classification review period described in section 4.1, the department head must demonstrate in writing and, if provided, on a form prescribed by the Personnel Director:

1. The need for the reclassification is urgent, and cannot wait for the next countywide classification plan review; and,
2. The need for the reclassification is the result of a change in County Code, policy or program, approved by the Board of Supervisors, and the department head clearly informed the County Administrator and Board of Supervisors that the proposed change in County Code, policy or program, if adopted, would result in the need for the reclassification and the associated costs; OR, the need for the reclassification is the result of changes in State or Federal law or regulation, AND additional and commensurate State or Federal funding necessary to fund the reclassification is available and secure; and,
3. To implement the changes in the County Code, policies, or programs, or State or Federal laws and regulations will require higher levels of skills or higher levels of responsibility clearly distinguishable from those associated with the position for which reclassification is sought; and,

4. The incumbent in the position has the capacity to successfully perform the newly required skills and responsibilities.

Additionally, reclassifications shall be considered anytime an employee serving in a classification as a trainee or intern (e.g., REHS Trainee or Psychotherapist Intern, Registered Nurse or Public Health Nurse), or when an employee within the Engineering series obtains their valid California.

Registration as a Professional Engineer, AND, the department certifies (1) the position is necessary, and (2) the employee has the capacity to successfully perform the newly required skills and responsibilities.

Changes in the use of technology or processes to accomplish the same or similar work are not acceptable reasons for reclassifying a position. Additional work of the same or similar nature, already being performed by the position, are not a reason for reclassification.

Before concurring in and recommending the reclassification of the position, the Personnel Director shall determine each of the preceding criteria have been met, and that:

- a. The reclassification results from an official recognition of a change in duties and/or responsibilities which has already occurred or will imminently occur.
- b. The incumbent possesses the knowledge, skills and abilities, and/or other qualifications of the different class.
- c. The incumbent has demonstrated a high level of performance in the quality, quantity and efficiency of changed duties and/or responsibilities of the different class.

After proper review or study by the Personnel Director or designee, and upon an affirmative recommendation by the County Administrator, the position may be allocated to a higher or lower classification by the Board. The wage level of any employee holding a reclassified position shall remain at the same step within the new range. No change in the title of any job classification shall affect the tenure of the holder thereof where the position is, in effect, continued in existence. A reclassification will not cause a change in an employee's anniversary date.

4.5 Types of Appointments. Except for temporary vacancies and provisional appointments, all vacancies shall be filled by transfer, promotion, demotion, re-employment, and reinstatement or from candidates on an appropriate eligibility list if one is available. In the absence of eligible candidates in one of the above categories,

temporary appointments may be made in accordance with these rules pending development of a list of eligible candidates.

4.6 Emergency Appointments. To meet immediate requirements of an emergency condition which threatens life or property, the County Administrator may create positions and employ such persons as temporary employees as may be needed for the duration of the emergency. The method of hiring for emergency appointments shall be subject to the discretion of the County Administrator. All such appointments shall be reported to the Board as soon as possible and shall be compensated at an hourly rate as approved by the County Administrator. Emergency appointees shall not be entitled to appeal disciplinary actions and have no rights to continued employment beyond the duration of the emergency for which they are employed.

4.7 Acting Appointments. If deemed to be in the best interest of the County, the County Administrator may authorize and approve an acting appointment. If the position being filled on an acting basis would normally require Board approval (i.e. direct board appointee), the Board shall authorize the acting appointment.

- (a) An acting appointment may be authorized for a period not to exceed six (6) months from the date of appointment, subject to an extension for an additional six (6) months on written approval of the County Administrator, or Board, as the case may be. All acting employees must meet the minimum qualifications for the vacant position.
- (b) Employees filling temporary appointments serve at the will of the appointing authority and may be removed at any time without cause or right to appeal.
- (c) During the acting period, the employee will be assigned the title of the acting position and will be paid at the salary range of the acting position for the duration of the acting assignment.
- (d) No employee in a temporary appointment shall receive a merit increase except after accrual of 1040 hours as provided in Section 8.2 (3).
- (e) While serving in an acting appointment, the employee shall continue to receive regular County benefits. In addition, the employee shall receive any benefits of the temporary position. However, if an employee receiving overtime benefits is assigned to an acting position, which does not receive overtime benefits, the employee shall not receive overtime pay for the duration of the assignment. An employee, shall continue to accrue seniority in his or her

position and shall be eligible to receive merit increases in the position.

- (f) If an employee serving a temporary appointment is permanently appointed to the position, time served in the temporary appointment will be applied toward fulfilling the required probationary period.

4.8 Working Out of Class. On occasion, an employee may be required to perform duties of another classification with a higher salary range because of a temporary vacancy in that position due to illness, vacation, leave of absence, etc. In such cases, an employee's salary may be adjusted to compensate for the higher level of duties, subject to the following provisions:

- a. In order to receive adjusted compensation for working in a higher classification the employee, or employees collectively, must be formally and in writing assigned, assume and perform substantially all of the duties and responsibilities of the position, and perform them for at least five (5) consecutive working days; without regard to calendar week.
- b. Out of class assignments must be requested by the department head, and approved in advance by the County Administrator or designee. No out of class assignments may be approved retroactively. Advance request and approval for working out of class shall be deemed to have occurred when accomplished within the first five (5) days of an employee working in a higher level position described in paragraph a;
- c. Out of class appointments can only be made to, and when a higher-level position in the department's Authorized Strength is vacant; including temporary vacancies resulting from injury, illness, discipline or other extended leave;
- d. Except in instances in which the higher-level position is vacant due to an extended illness or injury, no employee shall be appointed to an out of class assignment for a period longer than 6-months. When the higher level position is vacant due to a prolonged injury or illness, the out of class assignment may last for up to 15-months with the review and approval of the County Administrator every five months. Interruptions in out of class assignments of less than 30-consecutive working days shall not change these time limits, or 're-start' the clock and the duration of an out of class assignment. The department head must immediately notify the Personnel Department in writing when an employee ceases to perform out of class duties. In no case may out of class duties extend beyond the vacancy in the higher level position.
- e. Any employee assigned work in a higher classification will have his/her current salary increased by 5% or to the lowest salary in the higher classification for the time worked, depending on the extent to which the employee is assuming the

full-range of duties and responsibilities of the higher-level position. If the duties and responsibilities of the vacant higher-level position are being shared collectively between two or more employees, the increase in salary shall be no more than 5% for any one employee. Prior to receiving out of class pay for an assignment, the employee must have worked five (5) full, consecutive, working days in the higher level position.

- f. Out of class assignments shall be recorded only in full working days. After an employee working out of class for less than one full day will not be credited with working out of class time or pay.
 1. To qualify for out of class pay, an employee must be assuming substantially the full range of duties and the responsibility of the higher-level position.
 2. Time worked out of class shall not be credited toward the completion of probationary requirements in the higher class.

Nothing herein shall be construed as limiting management's authority to assign County employees temporarily to different or additional work duties and responsibilities for the purpose of responding to emergencies or necessary special, limited time assignments. Such temporary, limited-time assignments, and the associated level of compensation, must be approved by the County Administrator and shall not exceed three-months without Board approval.

ARTICLE V

COMPENSATION PLAN

5.1 Preparation of Plan. The Director of Personnel Services or the County Administrator shall submit to the Board a proposed compensation plan based on salary recommendations covering those positions in County employment not otherwise set by law.

5.2 Adoption of Plan. The Board shall review the proposed compensation plan, make any changes the Board believes necessary or desirable and in its discretion approve the plan by incorporating it in a salary resolution.

5.3 Application of Rates. An employee shall be paid a salary within the range or established for the class or position to which he or she has been appointed.

5.4 Salary Payment Procedure.

(a) Schedule of Payments. Employees shall be paid on a schedule of dates approved by the Board.

(b) Certification. Each department head or authorized designee shall, at the time he or she submits the payroll to the Auditor, certify that each employee has performed the number of days of work shown. The Auditor shall not issue a payroll warrant unless there is an authorized position supported by a valid personnel action form to substantiate the rate shown on the department payroll for each employee. The department head shall determine and certify the payroll of the employees to the Auditor before warrants are issued to such employees. Time/Payroll Sheets. Time/payroll sheets showing hours worked and leave taken must be completed by each County employee. Such sheets must be signed by the individual employee, the employee's supervisor, division, and department head or designee. Time/payroll sheets will be reviewed and audited by the County Auditor. Notice of any correction(s) to the time/payroll sheet will be sent to the employee and the department head. Such corrections will be deemed final unless questioned by the employee within thirty (30) days after notice of correction has been given to the employee. Unresolved matters may be taken to the Personnel Director for determination, which shall not preclude the filing of a grievance should the employee wish to do so after review by the Personnel Director.

(c) Separation. When an employee leaves County employment for any reason, his or her department head should immediately prepare a special payroll, certify it as provided in this section and submit it to the Auditor, who shall issue a warrant. Such warrant shall include all compensation due to the employee up to and including the employee's final workday, including all accrued but unused vacation time and any other amounts due to the employee.

5.5 Compensation for New Employees. New employees shall be at the first step of the salary range for the class to which appointed. The County Administrator may approve an appointment up to the "C" step of the range. If the County Administrator finds that qualified applicants cannot be recruited successfully at the "B" or "C" step, he or she may request that the Board authorize an appointment at a higher step of the range.

5.6 Anniversary Date. Each employee in the classified service shall have an anniversary date to be determined as follows:

(a) New Employees. For a new employee who starts between the 1st through the 15th of the month, the salary anniversary date shall be the 1st of the month; for a new employee who starts between the 16th through the 31st of the month, the salary anniversary date shall be the 1st of the following month.

(b) New Employee Hired at Step A - For those new employees serving a six-month probationary period and who begin at Step A of a pay range, the salary anniversary date shall be six months from date of hire.

(c) New Employees Hired above Step A - For those new employees serving a six-month probationary period and who begin at higher than Step A of a pay range, the salary anniversary date shall be one-year from date of hire.

(d) New Employees with One Year Probation - For those new employees serving a one-year probationary period, regardless of the starting step in the pay range, the salary anniversary date shall be one year from date of hire.

(e) Promotion or Demotion. An employee who is promoted or demoted shall have a new anniversary date which shall be the first day of the month following the date of his or her promotion or demotion, except that when an employee's promotion or demotion is effective on the first working day of a month, the anniversary date shall be the first calendar day of that month. In addition, an employee who has been promoted or demoted, shall have an anniversary date which shall be the first calendar day of the seventh month of service at the new class of position.

(f) Transfer. An employee who is transferred shall have no change in anniversary date.

(g) Change in Range Allocation. If the salary range of a class is changed, the anniversary date of an employee holding a position allocated to said class shall not change.

(h) Reclassification. If the position held by an employee is reclassified to a new class with a higher

salary range, the employee shall not have a new anniversary date.

(i) Service Interruptions. The granting of any leave of absence without pay exceeding fifteen (15) calendar days shall cause the employee's anniversary date to be postponed the number of calendar days in such leave.

(j) Modified Duty. Where an employee is assigned to modified duty in order to make a reasonable accommodation when required by state or federal law the employee's anniversary date shall not be affected thereby.

5.7 Merit Advancement Within Range. An employee may be advanced on his or her anniversary date to the next higher step of the salary range if he or she has earned such advancement by successfully completing his or her probationary period and, subsequently, by receiving an overall score of "Meets Expectations" or higher on their annual performance evaluation. Eligible employees who receive their annual performance evaluation after their anniversary date shall have any merit increase resulting from an overall score of "Meets Expectations" or higher applied retroactively to their anniversary date. No merit advancement shall occur absent of a completed performance evaluation.

5.8 Progression on Merit Steps.

(a) Full-time and Part-time.

(1) Normal Progression. From the date of employment until the successful conclusion of the probationary period, no merit step increase shall be granted. If hired at Step A, the employee shall receive a merit step increase at the end of a successful probationary period. Thereafter, eligibility for merit step increases shall occur annually on the employee's salary anniversary date until such time as the employee reaches the last salary step available for his or her position.

(2) Accelerated Progression. If an employee has been appointed at Step B or higher, as previously provided in Section 5.6 (a) no merit step increase shall be granted until the employee has both successfully completed the probationary period and has worked one (1) calendar year in such position. At the end of such first year the employee shall first become eligible for a merit increase. Thereafter, eligibility for merit

step increases shall occur annually until such time as the employee reaches the last salary step available for his or her position.

- (3) Promotional Progression. From the date of promotion until the successful conclusion of the probationary period, no merit step increase may be granted. When an employee is promoted, his or her salary increases to an appropriate step within the grade of the new job classification. An employee who is promoted shall be compensated at the step in the new salary range which comes nearest to but not less than five percent (5%) higher than the step he or she held in the previous salary range. The anniversary date of a promoted employee is changed as discussed in section 5.6 (e)/

All promoted employees who successfully pass their probationary promotional review period will receive a merit step increase to the next step in the salary range of their new classification. Employees promoted to Step A of the new range are first eligible six (6) months after the date of promotion. If promoted to Step B or higher in the new range, employees are eligible twelve (12) months from the date of promotion. (See Section 5.6(a) of these Rules.) A promoted employee is eligible for another merit step increase annually thereafter, from the completion date of the probationary period until his/her pay reaches the last step

- (4) (b) Temporary /Seasonal Employees – Temporary and Seasonal Employees shall not receive merit reviews. However, a temporary or seasonal employee shall receive a performance evaluation when his or her period of service concludes to determine whether he or she is eligible for rehire. This performance evaluation shall also be used as a basis for considering salary in the event the employee is rehired. A step increase may be granted after the accrual of 1040 hours of service.

5.9 Promotion. An employee promoted to a position in a class with a higher salary range may be

paid either at the minimum rate of the new range or at the nearest higher rate to that which he or she would otherwise be entitled to in his or her former position on the date his or her promotion is effective, whichever is greater. However, the pay rate shall be at least 5% above the present rate of pay or at the highest step in the promoted salary range, if less than 5% higher.

5.10 Demotion. An employee demoted to a position in a class with a lower salary range shall be paid at the step currently held unless the appointing authority directs placement in a different step.

5.11 Transfer. An employee transferred to a position in a class within the same range shall receive the same salary. The transferring employee may be required to serve a probationary period in the new position unless he or she has previously completed a probationary period successfully in the position.

5.12 Change in Range Allocation. The salary of an employee in a position in a class which is reallocated to a new salary range shall be adjusted to the corresponding step of the new range, i.e., step to step.

5.13 Position Reclassification. The salary of the incumbent in a position which is reclassified shall be adjusted to the corresponding step of the new classification, i.e. step to step.

5.14 Board Authority to Specify Salary. Notwithstanding anything in these rules to the contrary, the Board may specify that the incumbent of a particular position shall be placed on a step on the salary range for that class higher than that provided for elsewhere in these rules. Action based on this section shall be taken only under unusual circumstances where such action is important to the successful operation of a department of County government.

5.15 Overtime. Overtime may be worked only when approved in advance by the Board or, if budgeted, by the department head. Overtime is to be discouraged except in situations where emergencies exist. An emergency shall exist when work is required to correct a condition that is threatening or affecting the peace, health or safety of the general public or work is required beyond the regular working hours to meet deadlines established by law.

Payment for overtime or accrual of compensatory time-off shall be made to non-FLSA (exempt employees) at the rate of time and one-half the employee's regular hourly rate, or as compensatory time off at one and one-half hour for each hour of overtime worked. The County Administrator shall determine and advise the Board as to which employees and position classifications are FLSA exempt for purposes of entitlement to overtime compensation. Overtime shall be paid or compensatory time off

given for all hours worked by non-exempt employees in excess of 35 hours per week for those on a 7 hour per day schedule and 40 hours for those on an 8 hour per day schedule unless otherwise provided in an applicable Memorandum of Understanding. Non-exempt sworn peace officers may accrue compensatory time off in lieu of compensation at their option.

Overtime: Paid Time or Compensatory Time. For positions which do not meet one of the Fair Labor Standards Act (FLSA) exemption categories, overtime hours worked shall be compensated in one of the following ways for time worked (pursuant to rule 5.17) in excess of thirty-five (35) or forty (40) hours in any work week, depending upon the individual employee's regularly assigned work week and shift.

1. as paid time at the one-and-one-half rate of pay; or
2. for non-exempt safety employee's only, as compensatory time accrued at the one-and-one-half rate of pay, as set forth in applicable Memorandum of Understanding.

Prior to overtime being authorized, the employee and his or her supervisor shall agree as to how the employee shall be compensated (i.e., as paid time or compensatory time). If the employee and supervisor do not agree on the method of compensation, the supervisor may ask another employee to perform the overtime work. However, if the supervisor requires that a particular employee perform the overtime, and they cannot agree on the method of compensation, then the employee shall be given the choice of how he or she wishes to be compensated. County will allow non-exempt employees to carry 40 hours of compensatory time on the books. Compensatory time will be placed on the books at the rate of one and one-half (1 1/2) hours for each hour of approved overtime worked. When an employee leaves employment, any compensatory time remaining on the books will be paid at the employee's hourly rate.

For non-exempt safety employees only, compensatory time accumulated under these rules and regulations is vested time and must be utilized or paid in conjunction with termination of employment. No safety employee may accrue more than one hundred twenty (120) hours of compensatory time off. Any excess shall be paid at time and one-half rates.

5.16 Standby and Call-Out Policy.

- (a) Standby. A standby roster shall be comprised of County employees from designated departments or divisions who have been designated to be on call and available to work after regular working hours. An employee on standby will be permitted to take home a County vehicle equipped with appropriate tools and supplies for use when called out on standby.

The designated department or divisional supervisor shall be responsible for scheduling his or her employees for standby duty and for providing duty rosters to the Sheriff's department. The Sheriff's department will be given a roster of employees with their standby duty dates, home telephone numbers, and pager numbers and codes. Once assigned to specific standby duty, employees may not trade standby assignments, except with the prior approval of the designated supervisor.

Compensation for standby duty shall be as set forth in duly adopted memoranda of understanding.

An employee assigned to standby duty must be available to respond to emergency calls at all times. The employee must refrain from consuming alcoholic beverages or other substances which could impair his or her effectiveness or safety on the job. Violation of this policy shall result in disciplinary action, as outlined in Chapter XII of these rules.

Nothing herein shall be construed to require that the County establish standby duty for employees in any department or division.

(b) Call-Out Compensation. Unless otherwise provided in a memorandum of understanding, employees eligible for overtime compensation who have ended their workday and left their places of employment, but who have been requested to perform duties after normal working hours, will be compensated at time and one-half. If the time worked is less than two (2) hours, the employee will receive two (2) hours compensation minimum at the rate of time and one-half. If the time worked is more than two (2) hours, the employee will receive time and one-half for the actual hours or portions thereof worked. For the purpose of this rule, actual time worked shall include all time from the time the employee leaves home to respond to the call until the employee has returned home.

These call-out provisions will apply to no more than two (2) call-out instances per twelve (12) hour period. Any call-out instance after the first two (2) in a twelve (12) hour period will be paid at normal overtime rate.

5.17 Work Week. For purposes of applying the overtime requirements of the Fair Labor Standards Act (FLSA), the work week for County employees shall begin at 12:01 a.m. Thursday and end at 12:00 a.m. (midnight) Wednesday night. Vacation, sick leave, holiday hours or other leave time will not be included as time worked for purposes of calculating FLSA overtime.

5.18 Split Classifications. In cases where an employee is employed in a capacity which has been recognized as involving "split classifications", in that his or her duties are divided between two different positions in County government, such employee's regular rate of pay shall be determined by pro-rating the regular salary payable to each of the two positions based upon the average percentages of time devoted by the employee to each of the two positions.

5.19 Career Ladders. Due to the nature of some classifications, various County positions have been assigned career ladders through the classification plan. These progressions are part of a job series and identified in the applicable job descriptions. Each rung on the career ladder represents a distinct classification.

(a) Career Ladder Advancement

(1) Advancement from a I to II:

Employee must be at C step in the range

Employee must receive an overall rating of "Exceeds Expectations" on two (2) consecutive annual performance evaluation reports.

Department head must provide written documentation delineating the additional duties and responsibilities, consistent with the job description, the employee will perform on advancement from I to II, and any additional skills that will need to be demonstrated. A copy of the document must be signed by the department head and employee, and transmitted to Personnel with the request for inclusion in the employee's personnel file.

All requests for Career Ladder Advancement are based on department head recommendation and approval by the County Administrator.

(2) Advancement from II to III:

Employee must be at top step in the range for one (1) year.

Employee must receive an overall rating of "Exceeds Expectations" on two (2) consecutive annual performance evaluation reports. However, receiving an overall "Exceeds Expectations" on the first annual performance evaluation completed after this section takes effect, shall be sufficient to move from a II to III providing all other requirements of this section are satisfied.

Department head must provide written documentation delineating the additional duties and responsibilities the employee will perform, consistent with the job description, on advancement from II to III, and any additional skills that will need to be demonstrated. A copy of the document must be signed by the department head and employee, and transmitted to Personnel with the request for inclusion in the employee's personnel file.

All requests for Career Ladder Advancement are based on department head recommendation and approval by the County Administrator.

ARTICLE VIII

PERFORMANCE EVALUATIONS & SALARY ADJUSTMENTS

8.1 Initial Appointments. All new employees shall be appointed at the first step of the salary range unless the County Administrator approves placement at step "B" or "C", or the Board approves placement above step "C".

8.2 Performance Evaluations. Regular performance reports shall be made at times and on forms prescribed by the County Administrator as to the efficiency, competence, conduct and merit of all employees in the classified service. In addition to the formal performance evaluation before the conclusion of the probationary period, one or more formal or informal performance evaluations shall be made during an employee's probationary period.

- (a) As part of the performance evaluation, the employee and his/her supervisor shall meet to review and discuss the employee's significant accomplishments, training, areas needing attention or improvement, future development and objectives. After reviewing the job description, duties and any established performance standards for that position, an evaluation report shall be made by the supervisor as to whether the employee's performance "Needs Improvement;" "Meets Expectations;" or, "Exceeds Expectations." An explanation must accompany all ratings. The employee shall have an opportunity to review his or her performance evaluation report and agree or disagree with it. The employee shall have the right to attach a written response to the performance evaluation which shall be attached to the performance evaluation report and placed in his or her personnel file. Based upon the performance evaluation report, the department head may, at his or her discretion, make appropriate recommendations regarding a merit increase, promotion or other actions
- (b) The employee and supervisor must sign and date the performance report. If the employee refuses to sign the report, the supervisor shall note this fact on the performance evaluation report and any circumstances surrounding the employee's refusal. Copies of the report shall be distributed to the employee, the department head and the Personnel Director.
- (c) If an employee is not in agreement with a performance evaluation which results in a less than "Meets Expectations" rating, the employee may, within ten (10) working days after

receipt of the evaluation, request a review of such evaluation by his or her department head. If the employee is not in agreement with the determination of the department head, the employee may, within ten (10) working days after receipt of the determination of the department head, request a further review by the County Administrator or designee, whose decision shall be final and conclusive and not subject to further appeal or grievance.

- (d) With regard to the procedures established in subparagraph (c) above, if the employee's department head prepared the evaluation in question, the employee may omit review by the department head and proceed directly to review by the County Administrator or designee. If the final decision is adverse to the employee, a further performance evaluation shall be conducted by the department head or designee not later than ninety (90) days after the prior evaluation.



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

22

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: Administration-Purchasing
By Emma Bills, Purchasing Specialist

FOR THE BOARD MEETING OF: August 19, 2014

SUBJECT: Award of Bid No. 2014-07 Printing for 2014-15 FY

DEPARTMENTAL RECOMMENDATION:

Request award of Bid No. 2014-07, Printing for 2014/15 FY to the The Hanigan Company Inc. and authorize purchase orders to be approved for various County Departments to order printing from this bid for the 2014-15 Fiscal Year, contingent upon approval of FY 2014/2015 budget.

SUMMARY DISCUSSION:

The items on this bid consist of letterhead, forms, envelopes, business cards, etc., that the departments anticipate needing during the coming year.

Bid packets were mailed and the bid was advertised. Following is a recap of the bids: (please note that listed amounts do not include sales tax)

<u>VENDOR</u>	<u>AMOUNT BID</u>
Community Printing & Publishing	No Bid Received
Alex Printing	No Bid Received
The Hanigan Company Inc.	\$14,286.00

It is recommended that The Hanigan Company Inc. be awarded the contract.

ALTERNATIVES:

Your Board could choose not to award this bid, or authorize the approval of purchase orders, but this alternative is not recommended. The Purchasing Department through competitive process has obtained the best prices available.

OTHER AGENCY INVOLVEMENT:

The departments submitted samples of each item to be included in the bid, with a description and quantity they anticipate ordering, to Purchasing for the bidding process.

FINANCING:

Traditionally, County departments have included the cost for printing needs in the appropriations in their budgets.

APPROVALS

COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i> Approved: _____ Date _____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i> Approved: _____ Date _____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i> N/A Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)
(The Original plus 20 copies of this document are required)



Date: 08-14-2014



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

23

- Consent Hearing
 Scheduled Time for
- Departmental
 Closed Session
- Correspondence Action
 Informational
- Public

FROM: HEALTH & HUMAN SERVICES – Behavioral Health Division

FOR THE BOARD MEETING OF: August 19, 2014

SUBJECT: Authorization to increase the HHS departmental authorized strength and hire one full time Behavioral Health Registered Nurse and one full time Administrative Analyst in the HHS Behavioral Health Division.

DEPARTMENTAL RECOMMENDATION:

Request your Board:

1. Change the authorized strength in the Health and Human Services Behavioral Health division by adding one full time Administrative Analyst I at Range 68 (\$4,025-\$4,890) or II at Range 70 (\$4,221-\$5,133); and
2. Find that consistent with the adopted Authorized Position Review Policy:
 - a. the availability of funding for these requested positions exists, as certified by the Health and Human Services Director and concurred with by the County Administrator, and the Auditor-Controller; and
 - b. where internal candidates meet the qualifications for the Administrative Analyst position, the vacancy could be filled through an internal recruitment, though it is unlikely that the Behavioral Health Registered Nurse position could be filled by internal candidates meeting the qualifications for the position, and therefore an open recruitment would be appropriate to ensure qualified applicants apply for that specialized position; and
 - c. approve the hiring of one Behavioral Health Registered Nurse I at Range 78 (\$5,097 - \$6,195) or II at Range 80 (\$5,343-\$6,498) contingent upon qualifications, and one Administrative Analyst I at Range 68 (\$4,025-\$4,890) or II at Range 70 (\$4,221-\$5,133), contingent upon qualifications.

CAO RECOMMENDATION:

SUMMARY DISCUSSION:

On June 10, 2014, the Health and Human Services Department's Behavioral Health Director presented your Board with an update on the Care Coordination Collaborative that the division has piloted as part of the Mental Health Services Act (MHSA) Innovation Plan. Based on experience gained through this collaborative, we and our partners in the Northern Inyo Hospital Rural Health Clinic (NIHRHC) have put much consideration into the types of positions that would be most effective in our efforts to integrate and coordinate behavioral health care with primary health care, especially for our population of individuals with severe mental illness. We have also consulted with the Community Corrections Partnership (CCP) to look for ways to support inmates with mental illness who are transitioning out of incarceration. Through these discussions we have concluded that a large part of care coordination requires the knowledge and skills of a registered nurse (RN), and also require a considerable amount of data collection and analysis to ensure that innovations are, in fact, improving outcomes and/or reducing costs.

Under the direction of our Psychiatrist, the nurse will provide medication support and will communicate with primary health providers to ensure accurate reconciliation of psychotropic and physical health care medication as well as tracking health conditions. This nurse position will also be instrumental in the role as single point of contact for optimal coordination of care. Further, the nurse will take part in the identification and teaching of self-management strategies to improve health and wellness. The addition of this registered nurse will also help the Behavioral Health division continue to coordinate care for jail inmates who have a mental illness in order to ensure that both physical and mental health care needs are met as these inmates transition out of incarceration. As part of our initial pilot, we developed an excellent working relationship with the Northern Inyo Hospital Rural Health Clinic (NIHRHC) and upon completion of the pilot we hope to expand our efforts to the RHC in Southern Inyo County as well as working further with Toiyabe Indian Health Services. An additional nurse position was included as part of the FY 13/14 budget process and then as part of the Mental Health Services Act (MHSA) Innovation Plan which was approved by the Board of Supervisors on February 4, 2014. We are now requesting permission to hire this Behavioral Health Registered Nurse position.

As we now move forward with our Innovation Plan and our coordinated care collaborative, we further increase our need to look at outcomes and cost containment and “bending the cost curve” on a larger basis. We are also requesting an additional administrative analyst position to ensure that we can track and evaluate our programs in order to maximize efficiency and effectiveness. As part of our Innovations Plan we are developing shared treatment plans with our partners and are also developing or enhancing tracking systems to analyze health indicators, behavioral health and physical health costs in our clinics and in the jail, and consumer and provider satisfaction. We are testing many small changes and analyzing whether the changes improve our system. The Innovation Plan offers us an opportunity to invest in building our team of analysts to make sure that scarce funds are used most effectively. This position will report to our HHS Management Analyst to ensure that data is also analyzed within the bigger HHS and County “picture”.

ALTERNATIVES:

The Board could choose to not to allow Behavioral Health to hire these positions. This will limit our ability to pursue our Innovation Plan to pilot and develop a coordinated health system ultimately moving forward toward integrated care and looking for ways to contain costs for this population of persons with mental illness, and will also limit our ability to develop our expertise in the area of evaluation and outcomes. This is a critical area as we need to ensure that efficiency and effectiveness is achieved in our use of public funds.

OTHER AGENCY INVOLVEMENT:

Behavioral Health is a division of Health and Human Services and works in partnership with multiple agencies such as probation, primary health, and law enforcement, in addition to most other HHS divisions.

FINANCING:

State MHSA funds including Innovation funds, and Medi-Cal reimbursement for QA functions when allowed. These positions will be budgeted in Mental Health (045200) in the salaries and benefits object codes. No County General Funds.

APPROVALS

COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by County Counsel prior to submission to the Board Clerk.)</i> Approved: _____ Date: _____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the Auditor/Controller prior to submission to the Board Clerk.)</i> Approved: <u><i>Ray Shephel</i></u> Date: <u>7/10/14</u>
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the Director of Personnel Services prior to submission to the Board Clerk.)</i> Approved: <u><i>Joe DL</i></u> Date: <u>7/10/14</u>

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)

Jean Turner

Date: 7-16-14

Behavioral Health Registered Nurse I/II

Pilot project- Position is contingent upon continued funding and achievement of designated outcomes, as listed in the attached Exhibit A.

Department: Health and Human Services, Behavioral Health Division
Location: Countywide
Salary: Behavioral Health Registered Nurse I: Range 78
Behavioral Health Registered Nurse II: Range 80

****BENEFITS:**

CalPERS Retirement System: Existing ("Classic") CalPERS members as of January 1, 2013, (2% at 55) – Inyo County pays employee contribution for current CalPERS members; New CalPERS members (2% at 62) will be required to pay at least 50% of normal cost (6.5%). Medical Plan – Inyo County pays a portion of employee and dependent monthly premium on PERS medical plans; 100% of employee and dependent monthly premium paid for dental and vision; \$20,000 term life insurance policy on employee. Vacation – 10 days per year during the first three years; 15 days per year after three years; 1 additional day for each year of service after ten years to a maximum of 25 days per year. Sick leave – 15 days per year. Flex (personal days) – 5 days per fiscal year. Paid holidays – 11 per year.

DEFINITION: To provide prevention, early intervention, medication reconciliation and assistance, and related mental health and health education and nursing support to Behavioral Health consumers and their caregivers; assist with quality assurance and case management functions; and other related duties as assigned.

ESSENTIAL JOB DUTIES: Under the administrative direction of the Behavioral Health Director or designee and under the clinical direction of the County Psychiatrist or designated physician, performs an array of nursing functions for persons with mental illness and/or addiction issues and related health conditions. These duties may include in-home and clinic-based observation and assessment of client's behavioral health and physical health conditions; preparation and administration of psychotropic medications under the direction of the physician to include both routine and specialized treatments, such as injections; analysis and tracking of treatment and medication responses and outcomes; and participation in interdisciplinary treatment team meetings to plan consumer care. A portion of these duties will be performed while working closely with programs offering services to older adults to identify persons at-risk of/or evidencing mental illness or emotional disturbance and to provide community outreach, support, training and home-based services to the older adult population and their care givers. A portion of these duties may also include working closely with physical health care providers to ensure coordination of care and teaching of self-management skills to clients. Duties will also include participation in quality assurance activities; timely documentation of client's behavior; work with psychiatrist and other team members in evaluating consumer's immediate life situation, relevant past events, and health care issues or to recommend and implement treatment plans; provision of education regarding medication and medical aspects of treatment to clients and client care givers; participation as part of mental health after hours emergency response; and other related duties as assigned.

DISTINGUISHING CHARACTERISTICS

Nurse I: This is the entry and first working level in a behavioral health setting. Incumbents initially work under closer supervision while performing duties and will participate in the after-hours on-call rotation as assigned and in coordination with more experienced staff.

Nurse II: This is the journey level of the Behavioral Health Registered Nurse series. Incumbents working at this level receive more limited supervision within a broad framework of policies and procedures, and may be assigned more complex duties for which guidelines have been established. The Behavioral Health Registered Nurse II will also participate in the after-hours emergency on-call rotation as assigned.

EMPLOYMENT STANDARDS

Education and Experience:

Nurse I – Must possess a valid California Registered Nurse License. Preference will be given to candidates who have had experience working with individuals with a behavioral health condition.

Nurse II – Must possess a valid California Registered Nurse License AND have at least two years of experience working in psychiatric or mental health clinic setting.

Knowledge of: Basic problems and needs of individuals with mental illness and substance abuse issues; medical terminology; general community nursing procedures and pharmacology; documentation procedures; sterile and aseptic techniques; and fundamentals of patient behavior.

Ability to: Learn and utilize principles and practices of community behavioral health nursing to communicate with persons with mental illness and/or addition, and their families; administer prescribed treatments and medication; learn community resources and support; assess difficult situations and take effective course of action; understand and follow oral and written instructions; keep accurate records; function effectively as part of a multidisciplinary team; feel comfortable providing outreach in a variety of settings and wellness education to people with behavioral health problems, including older adults and people living with complex health conditions. Must have ability to produce written documentation in an electronic health record. Must be able to sit, stand, walk, twist, climb and descend stairs, and lift and carry up to 30 pounds. Consistent attendance is an essential function of the position.

Special requirements: Incumbents must possess and maintain a valid California Registered Nurse License during the term of employment and *must provide proof of licensure at the time of application*. Will be required to submit to yearly tuberculosis test. Must possess or obtain within six months of employment a valid First Aid and CPR certification and maintain during term of employment. Must possess a valid operator's license issued by the State Department of Motor Vehicles; must successfully complete a pre-employment background investigation and physical examination, including drug screen.

NEPOTISM POLICY: A copy of Inyo County Personnel Rules and Regulation, Section 107, is available upon request.

SELECTION: Selection procedures will be determined by the number and qualifications of applicants and may include a qualification screening, skills examination, and oral interview.

APPLICATION: Applications **must be received** in the Personnel Office, P.O. Box 249, Independence, CA 93526, no later than 5:00 p.m. on _____ (postmarks not accepted). Must apply on Inyo County application form and include proof of valid California Registered Nurse License. A cover letter and/or resume will be accepted in addition to the application form but will not serve as a substitute for a completed application. **It is not acceptable to complete the application with statements like “See/Refer to Resume” or “See Attached”.** Incomplete applications will not be processed. Applications may be faxed to meet the deadline—original application with original signature must be mailed.

THIS RECRUITMENT WILL ESTABLISH AN ELIGIBILITY LIST THAT MAY BE USED FOR ONE YEAR IN FILLING COUNTY-WIDE VACANCIES THAT MAY OCCUR IN THIS JOB CLASSIFICATION AND SALARY RANGE.

REASONABLE ACCOMMODATION FOR INDIVIDUALS WITH QUALIFYING DISABILITIES: Inyo County will make reasonable efforts in the examination process on a case-by-case basis to accommodate persons with disabilities. If you have special needs, please contact (760) 878-0295 prior to the examination process.

CITIZENSHIP/IMMIGRATION STATUS: Inyo County hires only U.S. citizens and lawfully authorized non-citizens in accordance with the Immigration Reform and Control Act of 1986.

The County of Inyo has work sites located throughout Inyo County in the Owens Valley (Independence, Bishop, Lone Pine, Big Pine, and Olancho) and Death Valley area (Death Valley, Shoshone, and Tecopa). Additionally, the County of Inyo has work sites located in Mono County. Positions are assigned to a work site based upon the needs of the County. Positions may be temporarily or permanently reassigned to another work site as deemed necessary by the Department Head.

Behavioral Health Registered Nurse I/II
Designated Outcomes for the Care Coordination Collaborative Pilot Project

For the current vacancy in Health and Human Services: This position was established as part of a pilot project to improve care coordination between mental health, substance abuse, and physical health care providers. The position is contingent upon both continued funding and achievement of the following outcomes by the Care Coordination team:

Year One: As part of the Care Coordination Collaborative, participate in the development and maintenance of baseline health and cost data for the target population.

Year Two: Measurably improve health outcomes for target population by a minimum of 5% over baseline in the first 18 months of intervention under the Care Coordination Collaborative.

Year Three: Decrease whole health care costs for target population by at least 5% of baseline in first 24 months of the Care Coordination Collaborative. Decrease recidivism by 5% through combined efforts of Community Corrections Partnership.



AN EQUAL OPPORTUNITY EMPLOYER
(WOMEN, MINORITIES, AND DISABLED ARE ENCOURAGED TO APPLY)

ADMINISTRATIVE ANALYST I/ II

Pilot project- Position is contingent upon continued funding and achievement of designated outcomes, as listed in the attached Exhibit A.

DISTINGUISHING CHARACTERISTICS:

Analyst I: This is the entry level and first working level. Incumbent initially works under closer supervision while performing duties.

Analyst II: This is the journey level of the series. Incumbents working at this level receive more limited supervision within a broad framework of policies and procedures and may be assigned more complex tasks and work at a more independent level performing duties for which guidelines have been established.

Analyst III: This is the advanced level of the series, fully competent to perform a variety of duties with minimal supervision.

The Administrative Analyst job class represents professional positions responsible for implementing and maintaining the budget process and fiscal record keeping and reporting operations at the department/division level.

The Administrative Analyst classification oversees and participates in the day-to-day fiscal/accounting operations and budget preparation/monitoring activities in assigned department/division. The Administrative Analyst may also be responsible for performing professional level analytical duties involving general administrative, staff development, fiscal, and/or program analytical work. Incumbents gather, tabulate, analyze, and chart data; interview and consult with departmental officials, employees, and others to give and receive information; prepare reports and make recommendations on procedures, policies, and program/functional issues and alternatives; review and analyze proposed legislation and advise management on the potential impact; make decisions in financial, and other administrative systems of average to difficult complexity; prepare correspondence; and perform other related duties as assigned. The Administrative Analyst may supervise clerical and/or technical employees in the implementation of budget processing, accounting, financial reporting, contract monitoring, specialized programmatic activities, and/or other related services and functions.

ESSENTIAL JOB DUTIES: Works closely with the Department or Division Head or independently and performs a variety of responsible administrative, organizational, budgetary, accounting, and statistical work; researches, writes, monitors, and administers a variety of grants; works with the public; monitors, maintains, and organizes training and other records; prepares budget documents; prepares and presents comprehensive reports and recommendations; assist in the development and implementation of various State mandated programs, and perform the necessary duties required by those programs. May supervise and evaluate the personnel assigned to assist with the accounting programs, trust distributions and balancing, and any other programs and systems determined to be necessary or required. Analyze revenues and expenditures in relation to program service requirements and service delivery; provides accounting, collections, and related financial documents; works closely with federal, state, county, and city personnel and departments; provides public information and makes public presentations as needed; attends out-of-county training, seminars, and meetings as required; and performs other duties as assigned.

Specific duties will vary with the organizational unit to which assigned. Selected positions within the County of Inyo may be allocated to this job series in the performance of any one of the designated areas of responsibility on a department-wide basis. Examples of department-specific duties include, but are not limited to:

Health and Human Services: Work with State and local agencies on budgets, accounting, analysis, collections, which may include, but not limited to: attendance at workshops, document preparation, program development and evaluation, negotiations, directing staff in daily accounting and/or analysis duties, preparation of necessary monthly, quarterly, and yearly documents, and perform related duties as required. Work with HHS Administration in the development and implementation of various programs, and perform the necessary duties required by those programs. Analyze data and outcomes in relation to program service requirements and service delivery.

Personnel: Under supervision of the Personnel Officer, performs a wide variety of administrative, technical, and professional work in support of a centralized personnel system, including recruitment and selection, classification, compensation, benefits administration, and employee relations; and performs related duties as required.

Payroll: Under direction of the Auditor-Controller, independently maintains and processes payroll records and reports for accounting of salaries and wages, accruals, deductions, and other payroll functions for the County, Special Districts, and the Courts.

EMPLOYMENT STANDARDS:

Education/Experience:

Analyst I: Equivalent to graduation from a four-year college or university with major coursework in business or public administration, management, or closely related field with knowledge and understanding of governmental grant administration and monitoring being highly desirable; OR six years of office or program administrative experience including prior supervisory experience. Experience working in a governmental agency is preferred.

Analyst II: Must meet all qualifications for Administrative Analyst I above; plus one additional year of administrative and analytical experience, preferably within a local government environment, involving grant administration and monitoring or the collection, compilation, and analysis of financial, budgetary, or administrative data.

Analyst III: Must meet all qualifications for Administrative Analyst II above, plus two years of professional level experience, preferably within a local government environment, in administrative, management, budgetary, grant administration, or similar analytical or management support work.

Knowledge of: Administrative techniques including the principles of organization, accounting, budget, and organizational analysis; budgetary procedures and practices; basic principles of administration; research methods and techniques; methods of report preparation; modern office procedures, methods, and equipment, including computer software and hardware, particularly as related to budgetary and statistical analysis.

Ability to: Collect, evaluate, and interpret varied information and data, either in statistical or narrative form; coordinate multiple projects and meet critical deadlines; prepare clear, concise and complete reports and other written materials on a variety of financial, budgetary, and administrative issues; maintain accurate records and files; perform detailed analysis and administrative work involving the use of independent judgment and personal initiative; analyze problems, identify alternative solutions, project consequences of proposed actions, and implement recommendations in support of goals; work cooperatively with those contacted in the course of work. Physical ability to sit for prolonged periods of time, stand, twist, lift, and carry up to 25 pounds; climb and descend stairs; frequent telephone use.

Administrative Analyst I/II
Designated Outcomes for the Care Coordination Collaborative Pilot Project

For the current vacancy in Health and Human Services: This position was established as part of a pilot project to improve care coordination between mental health, substance abuse, and physical health care providers. The position is contingent upon both continued funding and achievement of the following outcomes by the Care Coordination team:

Year One: As part of the Care Coordination Collaborative, participate in the development and maintenance of baseline health and cost data for the target population.

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Year Three: Decrease whole health care costs for target population by at least 5% of baseline in first 24 months of the Care Coordination Collaborative. Decrease recidivism by 5% through combined efforts of Community Corrections Partnership.



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER
24

Consent Departmental Correspondence Action Public Hearing
 Schedule Time For Closed Session Informational

FROM: Planning

FOR THE BOARD MEETING OF: August ¹⁹/₁₇, 2014

SUBJECT: Review and approve the Rural Desert Southwest Brownfields Coalition Area Wide Plan.

DEPARTMENTAL RECOMMENDATION:

Request the Board approve the Rural Desert Southwest Brownfields Coalition Area Wide Plan, revised to reflect your Board's comments on the plan discussed at the Board of Supervisors meeting of June 17, 2014.

CAO RECOMMENDATION:

SUMMARY DISCUSSION:

In 2011, Nye County formed a coalition, the Rural Desert Southwest Brownfields Coalition (RDSBC), with Esmeralda, Lincoln and White Pine Counties in Nevada and Inyo County, California to apply for a US Environmental Protection Agency (EPA) Brownfields Coalition Assessment grant in the amount of \$1,000,000. The grant focused on area-wide planning in support of renewable energy and other economic development opportunities. The funding facilitated identification and assessment of additional project opportunities for renewable energy and general economic development. The funding also provided for the development of the Area Wide Plan, which evaluates renewable energy applications and other economic and community development opportunities at the brownfields sites, and describes strategies towards achieving the identified objectives.

The Draft Area Wide Plan was completed in April 2014, and provides a general overview of each Coalition county, including information on each county's history, demographics, physical description, infrastructure, and planning initiatives. The Area Wide Plan also discusses the renewable energy potential for each county, the sites assessed in each respective county, and the redevelopment opportunities for those sites. Finally, the Area Wide Plan proposes planning recommendations specific to the county which can be acted upon to support redevelopment of the assessed properties as well as the measures of success specific to each county.

On June 17, 2014, staff presented the Draft Area Wide Plan to the Board of Supervisors, and requested the Board review and provide comment on the Draft Area Wide Plan. The Draft Area Wide Plan has been revised to reflect your Board's revision, and is now being presented for approval before being sent to the EPA as a deliverable of the Brownfields Coalition Grant.

ALTERNATIVES: The Board could not approve the Draft Area Wide Plan.

OTHER AGENCY INVOLVEMENT:

US Environmental Protection Agency
Nye County
White Pine County
Esmeralda County

Lincoln County
Mineral County

Additional agencies may be identified through the site selection process.

FINANCING:

The grant is being administered by Nye County and BEC Environmental, Inc., which are preparing documents, reports, and assessments under the grant in consultation with the other Coalition counties' staff. Inyo County staff's participation in executing the grant is being absorbed by existing staffing levels and resources with General Fund resources, although travel costs to Coalition meetings and the conferences are reimbursed by the grant.

<u>APPROVALS</u>	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by county counsel prior to submission to the board clerk.) Approved: _____ Date _____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.) Approved: _____ Date _____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.) Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)



Date: 8/7/14

Attachments: Rural Desert Southwest Brownfields Coalition Area Wide Plan Executive Summary, Chapter 1: Coalition, and Chapter 3: Inyo County.



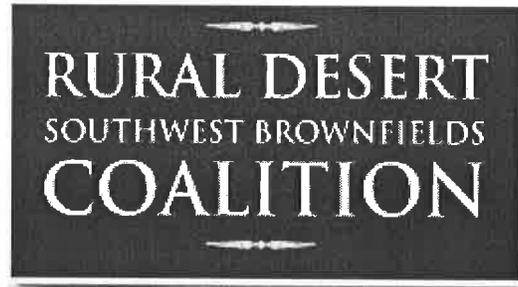
ESMERALDA COUNTY



NYE COUNTY



WHITE PINE COUNTY



INYO COUNTY

Area Wide Plan



LINCOLN COUNTY



Coalition Assessment Grant funded through the US Environmental Protection Agency

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Appendices

Appendix A. Blank Measure of Success Table

Appendix B. Area Wide Plan Hyperlinks

Appendix C. Project Partner Participation Letters and Memorandum of Agreement

Appendix D. Quarterly Agendas

Appendix E. Resource Energy Posters, White Pine County Feasibility Study Maps

Appendix F. Outreach Plan

Appendix G. Media Coverage

Appendix H. White Pine County Feasibility Study

Executive Summary

According to the Environmental Protection Agency (EPA) (2012):

EPA's Brownfields Program is designed to empower states, communities, and other stakeholders in economic redevelopment to work together in a timely manner to prevent, assess, safely clean up, and sustainably reuse brownfields. A brownfield is a property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. EPA's Brownfields Program provides financial and technical assistance for brownfields activities through an approach based on four main goals:

- **Protecting the Environment:** Addressing brownfields to ensure the health and well-being of America's people and environment.
- **Promoting Partnerships:** Enhancing collaboration and communication essential to facilitate brownfields cleanup and reuse.
- **Strengthening the Marketplace:** Providing financial and technical assistance to bolster the private market.
- **Sustaining Reuse:** Redeveloping brownfields to enhance a community's long-term quality of life.

The Rural Desert Southwest Brownfields Coalition (RDSBC), comprised of five counties across two states, was formed to address the environmental and economic development needs of the member-counties. EPA awarded the RDSBC a \$1,000,000 Brownfields Coalition Assessment grant in 2011 to identify and assess brownfields across the Coalition area and to conduct area wide planning to support brownfields redevelopment. The purpose of this Area Wide Plan is to evaluate renewable energy applications and other economic and community development opportunities at the brownfields sites and to establish a path towards achieving the identified objectives.

The Plan is divided in seven parts, which include the Coalition section, sections specific to each of the five RDSBC Counties, and a section on proposed next steps and measures of success for the RDSBC.

RDSBC Member Counties

(hyperlinked):

Esmeralda
County, Nevada

Inyo County,
California

Lincoln County,
Nevada

Nye County,
Nevada

White Pine
County, Nevada

The Coalition section:

- Describes the history, commonalities, and differences between the Coalition members.
- Provides a description of key renewable energy terminology, clean energy policies, planning initiatives, developments pertinent to the Counties/Coalition, and potential market considerations.
- Lists properties identified and assessed under the Brownfields Program and identifies proposed redevelopment opportunities.

The County sections serve to expand on the information included in the Coalition section and provide additional information pertinent to future development of the Brownfield sites in each County. The Esmeralda, Inyo, Lincoln, Nye, and White Pine Counties sections are divided into four parts:

- *Community Description/Overview* provides information on the history, demographics, physical description, infrastructure, and planning initiatives.
- *Renewable Energy Factors* provides a utility table and resource maps.
- *Brownfields Properties Assessed and Redevelopment Opportunities* describes the sites assessed in each respective County and the redevelopment opportunities for those sites.
- *Next Steps and Measures of Success* proposes planning recommendations specific to the County which can be acted upon to support redevelopment of the assessed properties as well as the measures of success specific to each County.

The final section of this plan includes Coalition-wide planning recommendations and measures of success. The measures of success included in this section, along with the County specific measures, are intended to be updated in order to evaluate progress over time. In Appendix A, a blank measures of success table is provided, and updated measures of success can be included as amendments to this Plan. It is recommended the measures of success tables be updated annually from the date of this document to record progress made with respect to brownfields redevelopment.

The red, underlined text throughout the Plan is hyperlinked, as in the list of RDSBC Member Counties on page 1. A list of the links used is included in Appendix B for reference.

Acronyms

AC	Alternating Current
ACEC	Area of Critical Environmental Concern
ACS	American Community Survey
BEA	Bureau of Economic Analysis
BLM	Bureau of Land Management
BLS	Bureau of Labor Statistics
CAISO	California Independent System Operator
CCA	Community choice aggregators
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CHAT	Crucial Habitat Assessment Tool
CPUC	California Public Utilities Commission
CSP	Concentrating Solar Power
CTPG	California Transmission Planning Group
DC	Direct Current
DETR	Department of Employment, Training and Rehabilitation
DG	Distributed Generation
DOE	Department of Energy
DSIRE	Database of State Incentives for Renewables & Efficiency
DTSC	Department of Toxic Substances Control (California)
EIS	Environmental Impact Statement
EPA	Environmental Protection Agency
ESA	Environmental Site Assessment
FBO	Fixed Base Operations
FERC	Federal Energy Regulatory Commission
FIT	Feed-in Tariff
FONSI	Finding of No Significant Impact
GWh	Gigawatt-hour
IOU	Investor-Owned Utility
kV	Kilovolt
kW	Kilowatt
kWh	Kilowatt-hour
LADWP	Los Angeles Department of Water and Power
LAUS	Local Area Unemployment Statistics

LCPD	Lincoln County Power District
NDEP	Nevada Division of Environmental Protection
NEPA	National Environmental Policy Act
NREL	National Renewable Energy Laboratory
NRS	Nevada Revised Statutes
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
MSLI	Mine-Scarred Lands Initiative
MW	Megawatt
MWh	Megawatt-hour
PC	Portfolio Credit
PCB	Polychlorinated Biphenyl
POU	Publicly-Owned Utility
PPA	Power Purchase Agreement
PUCN	Public Utilities Commission of Nevada
PURPA	Public Utilities Regulatory Policy Act
PV	Photovoltaic
PVC	Polyvinyl Chloride
QCEW	Quarterly Census of Employment and Wages
QF	Qualifying Facility
RDSBC	Rural Desert Southwest Brownfields Coalition
REC	Renewable Energy Credit
RFP	Request for Proposals
RLF	Revolving Loan Fund
ROW	Right of Way
RPS	Renewable Portfolio Standard
SB	Senate Bill
SCE	Southern California Edison
SEZ	Solar Energy Zone
TWh	Terrawatt-hour
VEA	Valley Electric Association
WECC	Western Electricity Coordinating Council

1 Coalition

1.1 Description/Overview

The Rural Desert Southwest Brownfields Coalition (RDSBC) is comprised of five counties in two states, including Esmeralda, Lincoln, Nye, and White Pine Counties in Nevada and Inyo County in California. The Coalition area includes a total of 51,453.53 (U.S. Census Bureau, 2012) square miles of land and has a total population of 78,650 (U.S. Census Bureau, 2010a).

1.1.1 History

The formation of the RDSBC grew out of Nye County's participation in the Environmental Protection Agency (EPA) Brownfields Assessment Pilot Program in 2002, and a subsequent award in 2005 when the County was awarded an assessment grant for hazardous substances and petroleum sites. Twenty-seven properties in Nye County were assessed under the cooperative agreements for these grants. The County leveraged its involvement in Brownfields to work closely with the Nevada Division of Environmental Protection (NDEP) and the Nevada State Legislature to assist in developing state-wide regulations for regulatory oversight and cleanup of methamphetamine laboratories. Sites assessed included: three rural airports; a former commercial site which was redeveloped as the Nye County Administration offices in Pahrump, Nevada; a habitat trail area; and a former motel which was demolished and redeveloped as an Emergency Services Center and community park.

The initial assessment grant led to the identification of the former Barrick Bullfrog Gold Mine as a pilot site for the Mine-Scarred Lands Initiative (MSLI). Participation in the MSLI led to the characterization of solar resources in Nye County, and the targeting of renewable energy development as an economic diversification strategy for the County. Following the presentation of the Barrick Bullfrog Gold Mine at the National Brownfields Conference in 2006, Nye County began to receive increasing interest from solar developers. Since 2007, Nye County has incorporated renewable energy development into its economic planning documents, held seven renewable energy workshops, received congressionally directed funds to evaluate the feasibility of renewable energy in the County, entered into a Memorandum of Understanding (MOU) with the four Bureau of Land Management (BLM) district offices to coordinate renewable energy-related rights of way across public lands in the County, and executed an agreement with Esmeralda and Inyo Counties to work cooperatively to support a regional renewable energy industry.

Nye, Esmeralda, and Inyo Counties expanded their partnership by inviting Lincoln and White Pine Counties to join in forming the RDSBC in Fall 2010. These five counties developed the RDSBC to apply for an EPA Brownfields Coalition Assessment grant, for which Nye County served as the lead applicant. Appendix C includes copies of the letters from the project partners to Nye County acknowledging participation in the RDSBC. The purpose of the coalition was to assess brownfields sites and engage in high-level planning activities to redevelop brownfields, particularly those along existing and potential renewable energy and transmission corridors. The EPA selected the Coalition's application for funding in mid-2011. The Coalition members subsequently entered into a formal Memorandum of Agreement (MOA) in August 2011 (see Appendix C).

The RDSBC held an initial planning meeting on September 16, 2011, to review the Brownfields Program, Nye County's past involvement in the EPA and State Brownfields Programs, and the proposed RDSBC project activities. The RDSBC assessment and planning project officially commenced on October 1, 2011.

The Coalition meets on a quarterly basis to review completed activities and next steps. Quarterly meetings have been held on the following dates (agendas are included in Appendix D):

- January 20, 2012
- April 20, 2012
- July 20, 2012
- October 19, 2012
- February 1, 2013
- April 19, 2013
- July 19, 2013
- October 11, 2013
- January 17, 2014
- April 25, 2014

Additional quarterly meetings are anticipated after the publishing of this report through, at a minimum, the end of the grant award period.

1.1.2 Demographics

Tables 1 through 4 were submitted to EPA as part of the Coalition’s application for a Brownfields Assessment grant. These tables are intended to provide background information for the baseline data presented in Table 5.

Table 1 shows the reported population estimates for the Coalition and member-counties by the U.S. Census Bureau for 2000, 2008, and 2009. The U.S. Census Bureau’s 2009 population estimate reported in the State and County Quickfacts was 887 higher than the 2010 Census count for the population in the Coalition area. The populations in Inyo, Lincoln, and White Pine Counties were underestimated, and Esmeralda and Nye Counties’ populations were overestimated, as shown in Tables 1 and 5. The 2008 population estimated in the 2006 to 2008 three-year American Community Survey (ACS), included in Table 1, was reported for Nye County but not the other RDSBC members. The 2006 to 2008 ACS estimate was much closer to the 2010 population count than the 2009 population estimate. The decade between the 2000 and 2010 Censuses was a period of growth for each of the Counties except Esmeralda, which had a population reduction from 971 to 783. Nye County experienced the largest growth of more than 11,000 residents, while the other three Counties’ growth ranged from 601 to 1,180.

Table 1. Population

Year	Esmeralda	Inyo	Lincoln	Nye	White Pine	Coalition
2009 ¹	1,187	18,103	4,317	46,360	9,570	79,537
2008 ²	-	-	-	43,555	-	-
2000 ³	971	17,945	4,165	32,485	9,181	75,817

¹U.S. Census Bureau, State & County Quickfacts, 2009 Population Estimate, 2010.

²U.S. Census Bureau 2006-2008 ACS. Data only available for Nye County.

³U.S. Census Bureau, 2000 Census.

Table 2 reports the unemployment rate for the month of August in 2009 and 2010; whereas, Table 5 reports the 2011 annual rate. Both sets of data were collected from the Bureau of Labor Statistics (BLS) Local Area Unemployment Statistics (LAUS). The annual 2010 unemployment rate was not available at the time the Coalition’s Brownfields Assessment grant application was submitted to EPA.

Table 2. Unemployment¹

Subject	Esmeralda	Inyo	Lincoln	Nye	White Pine	U.S.
August 2010	7.9%	9.4%	12.8%	17.2%	8.6%	9.6%
August 2009	7.0%	9.0%	10.0%	15.3%	7.5%	9.7%
Percent Change	0.9%	0.4%	2.8%	1.9%	1.1%	-0.1%

¹BLS, Labor force data by county, not seasonally adjusted, July 2009-August 2010 (p).

Table 3 presents information on individuals in poverty from the 2000 Census and per capita personal income from the Bureau of Economic Analysis (BEA) for 2008. The poverty rates for individuals in Esmeralda, Inyo, and Lincoln Counties were projected to decrease from the rate in 2000 (see Table 3) according to the 2006 to 2010 ACS estimate (see Table 5). White Pine County, on the other hand, was expected to see an increase in the poverty rates from 11.0 percent to 15.5 percent. The 2006 to 2008 ACS for Nye County, which was not reported for the other Counties, also estimated a smaller percentage of individuals in poverty compared to the rate shown in the 2006 to 2010 ACS of 18.9 percent. The per capita personal income fell for all of the RDSBC according to the BEA data for 2010, with Esmeralda County experiencing the largest decrease of more than \$13,000 per capita.

Table 3. Income and Poverty

Subject	Esmeralda	Inyo	Lincoln	Nye	White Pine	U.S.
Individuals in Poverty ¹	15.3%	12.6%	16.5%	16.5% ²	11.0%	12.4%
Per Capita Income ³	\$50,950	\$37,883	\$24,896	\$33,086	\$39,375	\$40,673

¹U.S. Census Bureau, 2000 Census.

²U.S. Census Bureau 2006-2008 ACS. Data only available for Nye County. The estimated percentage of individuals below poverty nationally was 13.2%, according to the 2006-2008 ACS.

³BEA, 2008 Bearfacts, 2010.

Table 4 presents the percentages of the population, according to the 2000 Census, age 65 and older, with a disability, and with a bachelor's degree or higher. The percentage of Inyo County's population age 65 and older was the same in 2000 and 2010. Esmeralda, Lincoln, Nye, and White Pine Counties all experienced an increase in the percentage of people in this age group. Disability status has not been reported for the Counties for the 2010 Census and was only estimated for Nye County as part of the 2008 to 2010 ACS. The percentage of population in Nye County with a disability was projected to decrease from 28.3 percent in 2000 to 19.4 percent as of the 2008-2010 ACS. From the 2000 Census to the 2006 to 2010 ACS, the percentage of the population attaining a Bachelor's degree or higher was expected to double for Esmeralda County, increase by less than a percentage point for Lincoln and Nye Counties, and increase between one and four percentage points for Inyo and White Pine Counties.

Table 4. Sensitive Populations¹

Subject	Esmeralda	Inyo	Lincoln	Nye	White Pine	U.S.
65 years and older	17.2%	19.1%	16.2%	18.4%	13.5%	12.4%
Disability Status	26.9%	19.1%	24.6%	28.3%	22.9%	19.3%
Bachelor's degree or higher	9.6%	17.1%	15.1%	10.1%	11.8%	24.4%

¹U.S. Census Bureau, 2000 Census.

As of the 2010 Census, the Coalition had a total land area 51,453.53 square miles spanning from the eastern Nevada border into California. Nye County was the largest of the RDSBC Counties by area and population. Nye County's population of 43,946 people was greater than the combined total for Esmeralda (783), Inyo (18,546), Lincoln (5,345), and White Pine (10,030) totaling 34,704 people. Inyo County had the largest minority population at 25.9 percent of the Coalition, which was 10.3 percent more than Esmeralda County, the County with the second highest population classified as a minority at 15.6 percent. The average age of the Coalition population was 45.5 years, with an average household size of 2.32 people.

The national unemployment rate, according to the BLS for 2011, was 8.9 percent. In 2011, Nye (16.5%), Lincoln (13.7%), and Inyo (9.9%) had a higher unemployment rate than the national rate. The unemployment rate in August 2010 compared to the 2011 annual rate in Esmeralda, Nye, and White Pine Counties was higher by 1.7 percent, 0.7 percent, and 0.2 percent, respectively. The 2011 annual unemployment rate was greater than the August 2010 rate for both Inyo and Lincoln, which recorded

increases in unemployment by 0.5 and 0.9 percent, respectively. The average unemployment rate for the Coalition (10.9%) was also greater than the national rate for 2011.

Nye County (18.9%) and White Pine County (15.5%) had a greater poverty rate than the national average of 13.8 percent, according to the 2010 ACS 5-year Estimates. Each County's population had at least an 81 percent high school or equivalent level of education, with Inyo County having the highest rate of high school graduates among the Coalition members and a higher rate than the national percentage. At least 20 percent of Esmeralda and Inyo Counties' population had a bachelor's degree or higher, while only 10.5 percent of Nye County's population had attained that level of education. Esmeralda (\$34,571 per year) and Inyo (\$26,762 per year) also had the highest per capita income, and Lincoln County (\$21,310 per year) had the lowest.

Table 5. Coalition Demographics

Subject	Esmeralda	Inyo	Lincoln	Nye	White Pine	Coalition
Land Area (sq. mi.) ¹	3,581.88	10,180.88	10,633.20	18,181.92	8,875.65	51,453.53
Population ¹	783	18,546	5,345	43,946	10,030	78,650
Median Age (Yrs) ¹	52.9	45.6	39.9	48.4	40.8	45.5
16 Years and Older ¹	84.9%	81.6%	77.5%	82.1%	81.0%	81.4%
65 Years and Older ¹	25.8%	19.1%	18.1%	23.4%	14.9%	20.3%
Percent Minority ¹	15.6%	25.9%	8.9%	14.1%	14.5%	15.8%
Average Household Size ¹	2.01	2.25	2.57	2.42	2.37	2.32
Unemployment ²	6.20%	9.9%	13.7%	16.5%	8.4%	10.9%
Per Capita Personal Income ³	\$37,683	\$37,124	\$21,310	\$31,349	\$36,940	\$32,881
Median Household Income ⁴	\$27,500	\$45,000	\$39,293	\$33,547	\$39,150	\$46,505
Poverty Rate (Persons) ⁵	11.2%	11.9%	10.6%	18.9%	15.5%	13.6%
High School Graduate ⁶	84.1%	88.6%	83.0%	81.7%	83.8%	84.2%
Bachelor's Degree or Higher ⁶	21.1%	20.9%	15.8%	10.5%	13.4%	16.3%

¹U.S. Census Bureau, 2010 Census, 2010.

²BLS, LAUS, "Labor Force Data by County, 2011 Annual Average," 2012.

³BEA, 2010 Bearfacts, 2012.

⁴U.S. Census Bureau, 2012 Estimates.

⁵U.S. Census Bureau, 2006-2010 ACS 5-year Estimates, 2006-2010b.

⁶U.S. Census Bureau, 2006-2010 ACS 5-year Estimates, 2006-2010a.

1.2 Renewable Energy Factors

The Nevada economic development plan, "Moving Nevada Forward," identified the "New Clean Energy Frontier," as a targeted industry because of its tremendous potential for growth in the following areas:

1. Manufacturing renewable components
2. Expanding transmission capacity
3. Advancing and internationalizing geothermal development
4. Upgrading energy efficiency technologies

The California plan, "An Economic Growth and Competitiveness Agenda for California," also focused on the "Clean Economy" as a path for economic development. The "Clean Economy" encompasses "that sector that produces all goods and services with an environmental benefit" (State of California, 2011).

The RDSBC Counties have expressed an interest in the clean energy economy and have formed this partnership in order to identify opportunities to bolster their individual and collective economies to support redevelopment of blighted and/or potentially contaminated properties with renewable energy installations, energy efficient technologies, and other “clean economy” projects.

1.2.1 Clean Energy Resources and Technologies

Several forms of renewable energy are abundant within the RDSBC footprint.

Solar energy comes in two common forms: Photovoltaic (PV) and solar thermal. PV technology utilizes specially designed materials to absorb light energy from the sun’s rays and convert it directly to electricity while consuming little water (to wash/maintain equipment). Solar thermal technologies capture and absorb heat energy from the sun and utilize the heat to create steam to run turbines, which generate electricity. Solar thermally produced energy is considered “clean” because it avoids combustion of fossil fuels which release green house gasses; however, most solar thermal technologies require large quantities of water.

Historically, **wind** energy captured by small wind mills powered water pumps to fill livestock tanks in remote locations. The new wind industry utilizes turbines of different sizes positioned at various heights to generate electricity for small and large scale applications.

Geothermal energy is produced when hot water and steam is pumped to the surface and used to run turbines to generate electricity. Heat stored in rock formations beneath the earth’s surface warms reservoirs of water. Geothermal energy is sought after by utilities and transmission operators because it provides dependable and consistent base load energy as opposed to intermittent energy like that produced by solar and wind resources. Alternatively, shallow pools of water of a consistent temperature may be used to heat and cool buildings equipped with energy-efficient ground-source heat pumps.

Water power in the form of **hydroelectric** generation may be available where streams can be tapped to run turbines. This type of energy is particularly useful as it can be quickly stopped and started again as demand fluctuates. Although large scale hydroelectric generation would entail extraordinarily robust permitting in the arid southwest making it a less feasible option, micro-hydroelectric generation may be a viable option for smaller scale needs.

Energy **storage** and **regulation energy management** technologies are necessary for the deployment of large amounts of intermittent energy. These technologies offer a means of regulating and balancing the electrical grid over which energy flows from point of generation to point of use. Utilities and regulators have not yet determined how to value the ancillary services these projects provide to transmission operators; however, the California Energy Commission has issued a mandate for the first 50 **Megawatts** (MW) of energy storage signaling the start of this new industry.

Biomass (plant materials and materials from animal, construction, and food industry waste) may be used to produce **biofuel**, a fuel considered cleaner than petroleum and diesel alternatives by advocates because it is carbon neutral. Some environmentalists argue that use of biofuels harms the environment when material is grown on plantations cleared for biofuel producing crops. White Pine County recently completed a review of the biomass resource potential available from the control of pinyon and juniper on federally managed land in the County. Not to be confused with the pinyon pine, pinyon and juniper are considered invasive species that have contributed to increased fire danger and decreased critical habitat for native species. A copy of the *Pinyon-Juniper Biomass Assessment* for White Pine County is available in the *White Pine County Renewable Energy Resource Assessments and Feasibility Study Report* on the RDSBC website.

1.2.2 Energy Terms and Organization of the Power Industry

Electricity is measured in **watts**. A one hundred-watt light bulb requires an energy source capable of producing and delivering 100 watts of energy. If ten 100-watt bulbs remain lit for an hour, they use one **kilowatt-hour** (kWh) of electricity. Facility scale energy generation is typically measured in kilowatts (kW). Utility scale generation is measured in MW, where one MW equals one thousand kW. Electricity may be delivered at various capacities described as **voltage**. **Distribution lines** transmit electricity utilizing an **Alternating Current** (AC) at a lower voltage (less than 69 kilovolts - kV) than high voltage **transmission lines**. Higher voltages account for decreased energy loss or line loss over long distances. Very long distance transmission of electricity may utilize **Direct Current** (DC), which always flows in the same direction to further help reduce line loss. The **electrical grid** is made up of hundreds of lines, which interconnect with **substations** where switches and transformers adjust voltage up or down and distribute the energy where it is needed. Interconnecting with high voltage or DC lines is substantially more costly than interconnecting with lower voltage AC transmission lines, or even smaller distribution lines. Utilities refer to the point of energy use as the **load**. Utilities that deliver energy to customers are called **load-serving utilities**. Other entities who participate in the process include electricity generating companies and transmission owners and operators.

Investor-Owned Utilities (IOUs) are private companies like Southern California Edison (SCE) and NV Energy which are owned by stockholders. **Municipal Utilities** and **Publicly-Owned Utilities** (POUs) are owned and operated by a local jurisdiction like Los Angeles Department of Water and Power (LADWP). A third type of load serving utility, a **power district**, is created and administered by a municipality or county through collection of special assessments. The Lincoln County Power District (LCPD) and irrigation districts are examples of this type of utility. Rural **electric cooperatives** form when individuals organize a non-profit utility for the purpose of distributing energy to its members. Co-op members determine policies and set prices. Valley Electric Association (VEA) and Mt. Wheeler Power are examples of rural electric cooperatives. Ten publicly-owned electric utilities comprise the Nevada Rural Electric Association which provides lobbying, education, information, and community outreach programs for its utility members. There are no publicly-owned electric distribution utilities in Inyo County.

The ownership of the utility determines how it is regulated and/or governed. For example, in Nevada, only NV Energy is regulated by the Public Utilities Commission of Nevada (PUCN). Rural electric cooperatives and power districts are not. IOUs operate in accordance with their **tariff**, a document which includes a rate schedule approved by the responsible regulatory agency.

1.2.3 State Energy Policies

In the absence of a federal energy policy mandating a certain level of renewable energy procurement by load serving entities, some states have adopted their own renewable energy mandates called **Renewable Portfolio Standards** (RPSs).

California Senate Bill (SB) X1-2 codified California's 33 percent RPS by 2020 goal and applied the mandate to all electricity retailers in the state including POUs, IOUs, electricity service providers and **community choice aggregators** (CCAs). California allows cities and counties or groups of cities and counties to supply electricity to customers within their borders; but unlike municipal utilities, CCAs do not own the transmission and delivery infrastructure. The California law sets interim goals of 20 percent by 2013 and 25 percent by 2016. In the state of California, RPS compliance is measured in terms of procurement as a percent of retail sales. SB X1-2 created the framework the California Energy Commission uses to determine if a specific electricity product is eligible as a renewable resource. SB X1-2 defined three portfolio categories known as "buckets." The buckets are distinguished from each other by geographic area, type of resource, and first point of interconnection. The percentage of resources from each bucket adjusts as the year 2020 approaches, giving preference to resources in "Bucket 1," or those

that are located in California or near the California border. In order for out-of-state resources to be competitive with California products, they must be eligible for “Bucket 1,” having their first point of interconnection with a California balancing area or distribution facility serving California customers.

While California law requires all load-serving entities to comply with the State’s RPS, Nevada’s mandate only applies to the IOU, NV Energy. Nevada Revised Statutes (NRS) 704.7808 defines the entities to which the RPS is and is not applicable. For calendar year 2011, Nevada RPS required not less than 15 percent of electricity sold to Nevada customers come from renewable energy resources and not less than five percent of that amount had to be acquired from solar resources. The utility could satisfy up to 50 percent of the mandate through energy efficiency measures installed by residential customers (NRS 704.7821 (2)(b)). Energy efficiency measures are sometimes referred to as **Demand Side Management** by the utility industry. The Nevada RPS is set to increase to 18 percent in 2013 and 2014, 20 percent for the years 2015 through 2019, 22 percent for the years 2020 through 2024, and 25 percent for 2025 and beyond. According to the Portfolio Standard Annual Report, Compliance Year 2011, NV Energy successfully met the 2011 RPS requirements (NV Energy, 2012). Additionally, during the 2013 Nevada Legislative session, Nevada passed SB 123 (Atkinson, 2013) which mandated the State’s only IOU, NV Energy (formerly Sierra Pacific Power Company and Nevada Power Company), purchase an additional 300 MW from renewable resources, although regulations have not yet been written and the interpretation of this new law is being debated in an Investigatory and Rule Making PUCN Docket (State of Nevada Public Utilities Commission , 2013). A National Renewable Energy Laboratory (NREL) report stated, “Historical trends in population, [gross domestic product] GDP, and per-unit electricity consumption suggest that retail sales (in Nevada) could rise 23 percent from 2011 to 2025, reaching a projected total of 43.6 [terrawatt-hours] TWh, taking into account energy efficiency improvement consistent with state requirements... suggests the demand for renewable energy related to the RPS will most likely be between 5.6 TWh and 6.6 TWh in 2025... and 2.1 TWh to 3.1 TWh will still be needed by 2025 to meet RPS requirements” (Hurlbut, 2013, pp. 55 - 58).

Nearly half of Nevada’s renewable energy comes from geothermal resources. The vast majority of the rest of Nevada’s in-service renewable energy comes from the Western Area Power Authority Hoover Dam hydroelectric plant which also supplies electricity to Arizona and California. Solar, wind, and biomass make up the balance of Nevada’s renewable portfolio. An NREL report advised Nevada had the country’s largest untapped geothermal resources, and estimated Nevada rural areas were capable of producing 8,614,454 Gigawatt-hours (GWh) of electricity from PV resources. This same report stated Nevada had potential wind resources along ridgelines across the state (Anthony Lopez, 2012). See Section 3 for more information about the renewable resources specific to White Pine County.

Eighty-seven percent of lands in Nevada are federally managed. Included in these lands are identified environmentally sensitive areas like Areas of Critical Environmental Concern (ACECs), protected wilderness, designated wild and scenic rivers, and critical wildlife conservation areas closely protected by the responsible federal agencies. Permitting a project in one of these areas could be highly controversial, limited by law, or even prohibited.

The Natural Resources Defense Council maintains an interactive mapping tool on the Google Earth platform to enable renewable energy developers to identify areas where renewable energy sources may conflict with preserving wildlife and wildlands in the western United States (Natural Resources Defense Council, 2009).

In 2010, the Department of Energy (DOE) awarded a \$3 Million grant to western state wildlife agencies to launch a regional pilot project to improve coordination across political jurisdiction, inventory data, improve data development and management, and increase data sharing to enable identification of crucial habitat and corridors across the West. The Western Governors’ Association Wildlife Council

subsequently created and launched the Western Wildlife Crucial Habitat Assessment Tool (CHAT) for public release in December 2013 (Western Governors' Association Wildlife Council, 2013). According to the CHAT Website, “While not intended for project-level approval, CHAT is designed to reduce conflicts and surprises while ensuring wildlife values are better incorporated into land use decision-making, as well as large-scale conservation projects.” Local government and developers alike, may find CHAT a useful screening tool.

Characteristic of western states, Nevada is a place where there are basically four markets for renewable generation:

1. Renewable generation purposefully procured (through investment in a capital project or a long-term power contract) for the resident utility’s resource portfolio.
2. Renewable generation purchased by a utility as required by federal law (Public Utilities Regulatory Policy Act - PURPA) from non-utility merchant generators at Qualifying Facility (QF) avoided-cost rates.
3. Renewable generation sold and delivered to a remote utility, including an out-of-state utility, to meet its solar portfolio needs.
4. Renewable generation developed through a third party agreement or by the customer, for use directly on-site, according to regulated utility guidelines, usually including net metering and sometimes including a sale of renewable energy credits (RECs)—in Nevada, called Portfolio Credits (PCs).

1.2.4 Industry Opportunities

Load-serving utilities obtain power from generation facilities they own and operate or through **power purchase agreements** (PPAs). A PPA is a contract between an independent power producer and an electric utility which sets forth the terms and conditions under which power is generated and purchased. Utilities may use a competitive bid process by periodically releasing a Request for Proposals (RFP). Many utilities use the RFP/PPA process to comply with a state RPS. Currently, the best market for new renewable energy products is southern California. Developers from as far away as Canada and Wyoming are proposing generation and transmission projects in hopes of obtaining a market share in the area. Projects in the RDSBC footprint must compete with these projects, but California law clearly sets precedence for preferring regionally produced power.

Concurrent with obtaining a PPA, a developer must apply for and be granted an interconnection agreement with a transmission provider. A common constraint to utility scale renewable energy development is lack of existing transmission capacity. The **Federal Energy Regulatory Commission** (FERC) facilitates development of transmission projects on a regional scale through its Order 1000, which mandates regional transmission planning and requires costs be allocated to entities benefitting from a transmission project. Regional transmission coordination groups, such as the **Western Electricity Coordinating Council** (WECC) will begin implementing planning measures in compliance with Order 1000 in the fall of 2012. NV Energy participates in two of WECC’s subregional transmission planning groups: **Sierra Subregional Planning Group** and **Southwest Area Transmission**. These and other subregional groups conduct transmission planning activities including scenario planning. These utilities may also participate in **WestConnect**, a regional planning and advocacy organization whose footprint includes all of Nevada and portions of northern and the extreme southern part of California. Results from the subregional transmission planning studies are fed to WECC’s **Transmission Expansion Planning Policy Committee** for analysis and interconnection-wide implications (reliability, cost, and emissions). Based on recommendations of Transmission Expansion Planning Policy Committee, WECC produces an annual planning list of high and medium importance proposed transmission projects. The **California Transmission Planning Group** (CTPG) was created to coordinate transmission planning conducted by

the **California Independent System Operator** (CAISO) with other California utilities and regional planning groups.

Long distance, high voltage transmission lines take many years to permit and construct. In the interim, there may be a preference for smaller-scale (less than 20 MW) projects which use existing transmission capacity. Small-scale installations may either provide a source of **distributed generation** (DG) for the utility or they may be **net-metered**. A DG system is located on a utility's distribution system and is capable of meeting local (substation level) peak loads. DG is attractive to utilities because this energy may displace the need to build additional local distribution lines. California energy policy mandates a significant percentage of the RPS be achieved through implementation of 12,000 MW of DG.

Net-metering enables customers to generate their own on-site renewable energy to offset their energy consumption and may be referred to as **Behind the Meter** generation. Energy consumers who produce their own energy may be able to take their facility "off the grid" for some or all of the day and avoid drawing power from the utility during peak times thus further reducing the power bill for the facility. At times when generation exceeds the energy demand of the facility, the electric meter turns backwards, enabling customers to receive retail prices for the excess electricity they generate. In some markets, a **feed-in tariff** (FIT) policy may require utilities to guarantee payments in dollars per kWh for the full output of a generation system for a guaranteed period of time—usually 15 to 20 years. The rate set by the FIT is meant to provide a reasonable rate of return over the duration of the contract. A FIT policy may enable developers to secure financing more readily since the rate of return is known. California and Nevada policies allow IOUs to use net-metering for systems of 1,000 kW or less (Database of State Incentives for Renewables & Efficiency - DSIRE). Los Angeles adopted a FIT policy, and LADWP has just completed its first procurement cycle using a FIT. Nevada law enables NV Energy to use net-metering agreements to comply with the Nevada State RPS (NRS 704.766 to 704.775, inclusive). According to FIT proponents, a FIT provides a strong incentive for small-scale installations like rooftop solar. Opponents of a FIT warn that ratepayers may become saddled with expensive power when the price of natural gas is low.

POUs set their own net-metering policies. In states or locations where there is no net-metering policy, a second meter may be installed to measure excess electricity that flows back to the utility which then purchases the power for less than the retail rate.

Increasing demand for electricity also increases the demand for renewable energy in areas where an RPS policy is in effect. One promising new technology, **electric vehicles**, could significantly increase demand for electricity and is being considered by electrical grid balancing entities as a future significant electrical grid resource because it would add energy storage capability and positively affect grid stability. Though the market share for electric vehicles is still small relative to traditional gasoline and diesel powered vehicles, the popularity and sales of these vehicles has been increasing in recent years. There are a number of types of electric cars, the most common types being fully electric and plug-in hybrid. Three major barriers prevent the broader acceptance of electric vehicles by consumers: 1) higher initial purchase cost; 2) lack of recharging infrastructure; and 3) the driver's fear of running out of charge before reaching their destination (referred to as "range anxiety"). Because of the estimated positive affect this technology may have on the grid and for its potential to decrease greenhouse gases, many agencies are pursuing initiatives to address deployment barriers.

Electric vehicle charging stations in the U.S. are classified as follows:

- Level 1 charging stations are 120 volts AC and equivalent to a standard household outlet.
- Level 2 charging stations are 240 volts AC.

- Level 3 charging uses DC from 300 to 600 volts charging and is often referred to as “DC fast charging.”

Level 1 charging stations have the lowest purchase and installation cost; while level 2 stations cost more, and level 3 stations are significantly higher in cost. Charging stations and current-model electric vehicles in the U.S. use a standard plug (SAE J1772) for compatibility among vehicles and charging stations. Electric vehicle charging occurs most often at home, with workplace charging the next most common, and charging at a commercial facility or public charging station being the least common.

Websites and mobile device applications allow electric vehicle drivers to locate publicly available electric vehicle charging stations. Electric vehicle charging stations can be included in a facility as a benefit to employees for workplace charging or as a marketing tool to have the facility included and “on the map” on electric vehicle charging station websites and mobile applications. For retrofitted installations, a large portion of the cost of installing a charging station is in the electrical and site work required, so if installation can take place during initial site construction or during major improvements or remodeling, the total cost of installation can be reduced.

Electric vehicles and charging stations are a rapidly changing technology. While there are currently only a handful of electric cars available to consumers, numerous car companies have electric vehicle models slated for production in the coming years. Additionally, advances in electric vehicle battery and recharging technology will likely continue to provide for ever longer battery range and faster charging. Tesla Motor Company recently announced plans to construct a nationwide network of rapid charging stations (Tesla Motors, 2014). GoE3 plans a west coast to east coast expansion network of its rapid charging stations to be added to existing fuel stations, shopping malls, hotel/motels, and other locations where a 20 to 45 minute recharge might be appealing to EV travelers (GoE3).

Expansion of the clean energy industry in the southwestern region also increases the need for industry **supply chain components**. Manufacturing opportunities exist in areas where there is sufficient infrastructure and access to transportation to support this type of activity.

1.2.5 Planning Tools and Resources

EPA and partnering entities, such as NREL, have developed a variety of tools to allow property owners, communities, developers, and the public at large to evaluate the potential for renewable energy development at Brownfields sites. These resources include screening/decision-making trees for solar and wind development that provide “a step-by-step decision process emphasizing redevelopment of potentially contaminated sites, underutilized sites, or rooftops.” EPA and NREL also developed two interactive mapping tools (one for the United States and one specifically for California) using the Google Earth platform that enables users to locate contaminated or potentially contaminated properties and mine sites that have been pre-screened for renewable energy technology utilization.

Other resources available to local governments to assist in the planning process for renewable energy developments and programs in their communities include (hyperlinked documents provide access to free download, all links to hyperlinked documents are included in Appendix B):

- [Handbook on Siting Renewable Energy Projects While Addressing Environmental Issues](#), EPA’s Office of Solid Waste and Emergency Response’s Center for Program Analysis.
- [Cultivating Green Energy on Brownfields: A Nuts and Bolts Primer for Local Government](#), National Association of Local Government Environmental Professionals, January 2012.
- [Solar Powering Your Community: A Guide for Local Governments, Second Edition](#), Solar America Communities, January 2011.
- [Local CLEAN Program Guide](#). According to the Clean Coalition website, “The Clean Coalition created the Guide to help communities and local utilities evaluate, design, and enact CLEAN Programs based on best practices. The Guide is comprised of seven modules that will step readers through the process of designing and enacting successful CLEAN Programs at the local level.”

Renewable Energy Redevelopment of Brownfields

Screening Tools
(*hyperlinked*):

Solar Photovoltaic
Decision Tree

Wind Energy Decision
Tree

Google Earth
Interactive Tools
(*hyperlinked*):

RE-Powering
America’s Land:
Siting Renewable
Energy on Potentially
Contaminated Land
and Mine Sites

Renewable Energy on
Contaminated Lands in
California: Renewable
Energy Siting Tool

1.2.6 Utility Table

Table 6. Coalition Load Serving Utility Information

Subject	Esmeralda	Inyo	Lincoln	Nye	White Pine
Load Serving Utility (1)	NV Energy (Sierra Pacific Power)	LADWP - Owens Valley	LCPD	NV Energy (Sierra Pacific Power) - northern Nye County	Mt Wheeler Power (Co-op)
Allows Net-metering	Yes.	Yes, for residential customers who apply for and participate in the Solar Incentive Program.	Yes.	Yes.	Yes.
Purchases Renewable Energy	Yes, NV Energy is currently compliant with Nevada's RPS and has said they have met their mandate for the foreseeable future. With passage of SB123, NV Energy has the option of soliciting 350 MW of additional renewable energy.	Yes, through FIT and large scale PPAs.	Peak demand is 20 MW. Portfolio includes 92% hydroelectric and 8% natural gas.	Yes, NV Energy is currently compliant with Nevada's RPS and has said they have met their mandate for the foreseeable future. With passage of SB123, NV Energy has the option of soliciting 350 MW of additional renewable energy.	Portfolio includes 13% hydro and 87% coal from Utah. They state they have made a significant unrealized investment in geothermal resources.
Incentives for Renewable Energy	RenewableGenerations Program is on hold at the time of this writing pending PUCN review.	Solar Incentive Program participants receive an upfront, lump sum incentive payment.	Rebates for small scale wind and solar installations, HVAC, and heat pumps.	RenewableGenerations Program, but the program is on hold at the time of this writing pending PUCN review.	Rebates for small wind and solar, and net metering
Other Information		10MW FIT Program allows LADWP to purchase power produced by program participants. (FIT participants may not participate in Solar Incentive Program.)			
Website	www.nvenergy.com	www.ladwp.com	www.lcpd1.com	www.nvenergy.com	www.mwpower.net
Transmission Access	Transmission lines are owned and operated by NV Energy. Transmission access is gained through completion of an interconnect agreement.	Transmission lines are owned and operated by LADWP. Transmission access is gained through completion of an interconnect agreement.	LCPD is working with Southern Nevada Water Authority to develop a 75 mile, double circuit 230 kV line. LCPD has a limited capacity to wheel power to NV Energy.	Transmission lines are owned and operated by NV Energy. Transmission access is gained through completion of an interconnect agreement.	Transmission lines are owned and operated by Mt. Wheeler Power. Transmission access is gained through completion of an interconnect agreement.

Load Serving Utility (2)	VEA - southwestern part of the county	SCE	No other utility	VEA - southwestern part of the county	No other utility
Allows Net-metering	Yes, for 30 kW or smaller hydro, wind, or solar systems.	Yes, Net Energy Metering allows 10 kW or small wind or solar systems.		Yes, for 30 kW or smaller hydro, wind, or solar systems.	
Purchases Renewable Energy	No.	Yes. SCE must comply with California's 33% RPS. Currently, the energy SCE delivers is 21.1% from renewable resources.		No.	
Incentives for Renewable Energy	Solar Water Heating Program - Zero Down and 100% financing plus a 30% Federal Tax Credit for those who qualify.	Cash incentive from \$0.40 to \$4.60 per watt for qualifying electricity generating equipment under SCE's Self Generation Incentive Program.		Solar Water Heating Program - Zero Down and 100% financing plus a 30% Federal Tax Credit for those who qualify.	
Other information		SCE purchases mostly wind and geothermal but has small amounts of solar, small hydro, and biomass in its renewable portfolio.			
Website	www.vea.coop	http://www.sce.com/		www.vea.coop	
Transmission Access	As of January 1, 2012, VEA became a Participating Transmission Operator member of the CAISO. As of this writing, VEA is conducting planning activities for upgrading their transmission system.	Transmission lines are owned and operated by SCE. Transmission access is gained through completion of an interconnect agreement.		As of January 1, 2012, VEA became a Participating Transmission Operator member of the CAISO. As of this writing, VEA is actively permitting a 500 kV line in southern Nye County interconnecting with SCE in Eldorado.	

1.2.7 Resource Maps

Resource Maps, developed in June 2013 for each County, are divided into six sections: Concentrating Solar Power (CSP) resources; PV Solar resources; Geothermal resources; Wind resources; Biomass resources; and Transmission and Land Status. A summary is also included in each map which gives a brief description for each resource type. The Resource Maps were developed as part of the Area Wide Plan, which emphasizes renewable energy development in the RDSBC. The maps are available on the RDSBC website. Each County's Resource Maps highlight areas of potential renewable energy, with gradients from low to high favorability. Resource Maps are shown in Appendix E.

The CSP map is based on Direct Normal Insolation and the PV on solar insolation when panels are facing the optimal direction for each County. The top right map provides an overview of geothermal resources throughout the County. The bottom left and bottom central maps provide an overview of wind power resources at a height of 50m and biomass resources, respectively. The last map, on the bottom right, provides a summary of existing transmission lines, proposed transmission lines, and land use in the County. The right portion of the Renewable Energy Poster provides a summary of the maps, by resource types, and additional information on the sources used for development of the maps.

As shown in the Resource Maps, Counties with a high potential for CSP resources include Inyo County, Nye County, Lincoln County, Esmeralda County, and the southern portion of White Pine County. Southern Nye County, Southern Lincoln County, Inyo County, and Esmeralda County have a mid-level potential for PV Solar Power. Geothermal Power resources are concentrated in Esmeralda County and portions of Inyo, Nye and White Pine Counties. Small sections in each County have potential for Wind Power development, mostly along topographic high points. Biomass Resource potential is present mostly in the form of pinyon and juniper woodlands. Lincoln County is pursuing Biomass resource development the most aggressively; however, Biomass potential is present in all five RDSBC member Counties. Transmission and Land Status maps show substations and transmission lines which are existing, under construction, or have been approved for construction. Land status is divided into private, local and state, federal and Indian, and excluded land. This map, when used in conjunction with the Resource Maps, may aid in preliminary siting and planning for renewable energy development.

1.3 Community Concerns and Brownfields Properties Assessed

The RDSBC was formed to address the common concerns of Esmeralda, Inyo, Lincoln, Nye, and White Pine Counties. While each County has its own strengths and weaknesses, they share a common history and vision for the future. Each of the Counties has historically based a significant portion of their economy on mining and has dealt firsthand with the cyclical nature of this industry. The ups and downs in their local economies have pushed them to pursue diversification, and the concentration of high quality renewable resources in the area have led them to target the energy industry. However, each County has to balance its desire to grow with the ever present fact that a majority of land within the County is managed by federal entities. These were the primary factors behind the decision to form the RDSBC in order to assess previously disturbed sites where the actual or suspected presence of contamination was hindering development to open up more non-federal land to development and to plan, on a regional scale, for attracting the renewable energy industry to the area.

The Coalition's brownfields concerns center on the available supply and quality of natural resources to support community and economic development. While the RDSBC territory spans 51,453.53 square miles, only about two percent of the land is not federally managed; thereby, leaving only a small portion open to development. Groundwater quality and quantity remain a concern for all the counties, as they reside in the desert Southwest. Previous uses that present potential contamination concerns include industrial-related operations, such as mining, and agriculture. While modern mining activity must follow stringent environmental controls, remains of earlier mining activity may result in environmental issues

including hazardous materials and abandoned mine shafts. Additionally, the age of the public and private buildings in the RDSBC area present the potential for lead based paint, asbestos, and underground heating oil tanks. In Nye County, properties assessed under previous grant awards have included, but were not limited to, mining-related sites, a methamphetamine laboratory; property blighted by illegal dumping, and formerly utilized defense sites.

Table 7 provides a list of the properties that have undergone or are currently undergoing Phase I and II Environmental Site Assessments (ESAs) under the RDSBC program. For background information on a site and associated redevelopment opportunities, see the respective County section. The 5,287.85 acres assessed include one parcel each in Esmeralda and Lincoln, two in Inyo, seven in White Pine, and 22 in Nye. Six of the seven parcels in White Pine County form two properties, each consisting of three adjacent parcels. Two adjacent parcels assessed in Nye County also form a single property. While 19 of the parcels assessed in Nye are not adjacent, they do share a single owner and are part of a water utility system. Of the 5,287.28 acres assessed, Phase I ESAs were conducted on 5,286.72 acres and Phase II ESAs were conducted on 5,213.32 acres. Maps of the RDSBC Brownfield sites are included as Figures 1 and 2.

Under the EPA Brownfields Grant, the RDSBC developed an Outreach Plan; the final Outreach Plan is expected to be completed mid-2014. This Plan provided strategies to be used in engaging the various communities in the Brownfields process through education and outreach. The Outreach Plan identified expectations, challenges, goals, objectives, and strategies for each County. Key media outlets in each County were identified along with Government and Chamber organizations, and organizations such as colleges, economic development groups, environmental organizations, and non-profits which could be collaborated with during the assessment and redevelopment of sites. Messaging for each County was developed in order to provide a list of clear and concise talking points that could be provided to the community when discussing Brownfields. A copy of the draft Outreach Plan has been provided in Appendix F. Media outlets in the member Counties are listed in the draft Outreach Plan and several newspaper articles from listed outlets have been included in Appendix G. The RDSBC plans to continue to work with area newspapers, radio stations, and websites to provide information for articles and stories on the RDSBC and program activity and successes.

Table 7. Assessed Sites

Site Name	County	Parcel	Acreage	Contaminant Type	Phase II
Coaldale Junction Truck Stop	Esmeralda	006-161-09	5,068.00	Petroleum	✓
Mt. Whitney Fish Hatchery	Inyo	022-070-08-06	40.00	Hazardous/ Petroleum	✓
PPG Industries Bartlett Plant	Inyo	029-100-63	99.95	Hazardous	✓
Pahranagat High School Multi-Use Building	Lincoln	004-101-01	0.06	Hazardous	✓
Mountain Falls Boulevard Gateway	Nye	045-001-19	3.44	Hazardous/ Petroleum	
Mountain Falls Boulevard Gateway	Nye	045-011-23	7.64	Hazardous/ Petroleum	
Manse Tank	Nye	047-041-27	1.00	Hazardous	
Manse Well 1	Nye	047-021-27	0.23	Hazardous	
CAAS Well 2	Nye	047-021-21	0.12	Hazardous	
Well 3	Nye	045-101-62	0.23	Hazardous	
Well 3b	Nye	045-101-61	0.31	Hazardous	
Artesia Water Tank	Nye	043-121-11	0.46	Hazardous	
Well 4	Nye	043-121-13	0.29	Hazardous	
Well 5	Nye	043-062-12	0.22	Hazardous	
Well 6	Nye	045-151-30	0.38	Hazardous	
Bowman Well 7	Nye	045-101-57	0.23	Hazardous	
Bowman Well 8	Nye	045-101-58	0.23	Hazardous	
Bowman Well 9	Nye	045-101-54	0.23	Hazardous	
Pleasant Valley Well 1	Nye	044-561-29	0.11	Hazardous	
Pleasant Valley Tank & Well 2	Nye	044-561-26	0.46	Hazardous	
Sewer Plant 600 k	Nye	045-171-72	4.48	Hazardous	
Future Sewer Site	Nye	045-361-05	39.19	Hazardous	
Artesia Lift Station	Nye	045-171-65	0.24	Hazardous	
Pleasant Valley Lift Station	Nye	044-891-08	0.03	Hazardous	
Burson Ranch Lift Station	Nye	045-551-09	0.01	Hazardous	
Tonopah Airport Fixed Base Operations (FBO) Building	Nye	012-471-03	0.75	Hazardous	✓
Lee Vacant Commercial Property*	White Pine	001-171-06	0.34	Petroleum	✓
Lee Vacant Commercial Property*	White Pine	001-171-07	0.11	Petroleum	✓
Lee Vacant Commercial Property*	White Pine	001-171-05	0.11	Petroleum	✓
McGill Ball Park	White Pine	004-034-01	4.75	Hazardous	✓
McGill Library	White Pine	004-071-02	0.67	Hazardous	✓
Ely Grade School Building	White Pine	001-152-01	1.69	Hazardous	TBD

*The Phase I ESAs for the Lee Vacant Commercial Property were funded directly by White Pine County; however, the Phase II ESAs were completed under the RDSBC program and were funded by EPA.

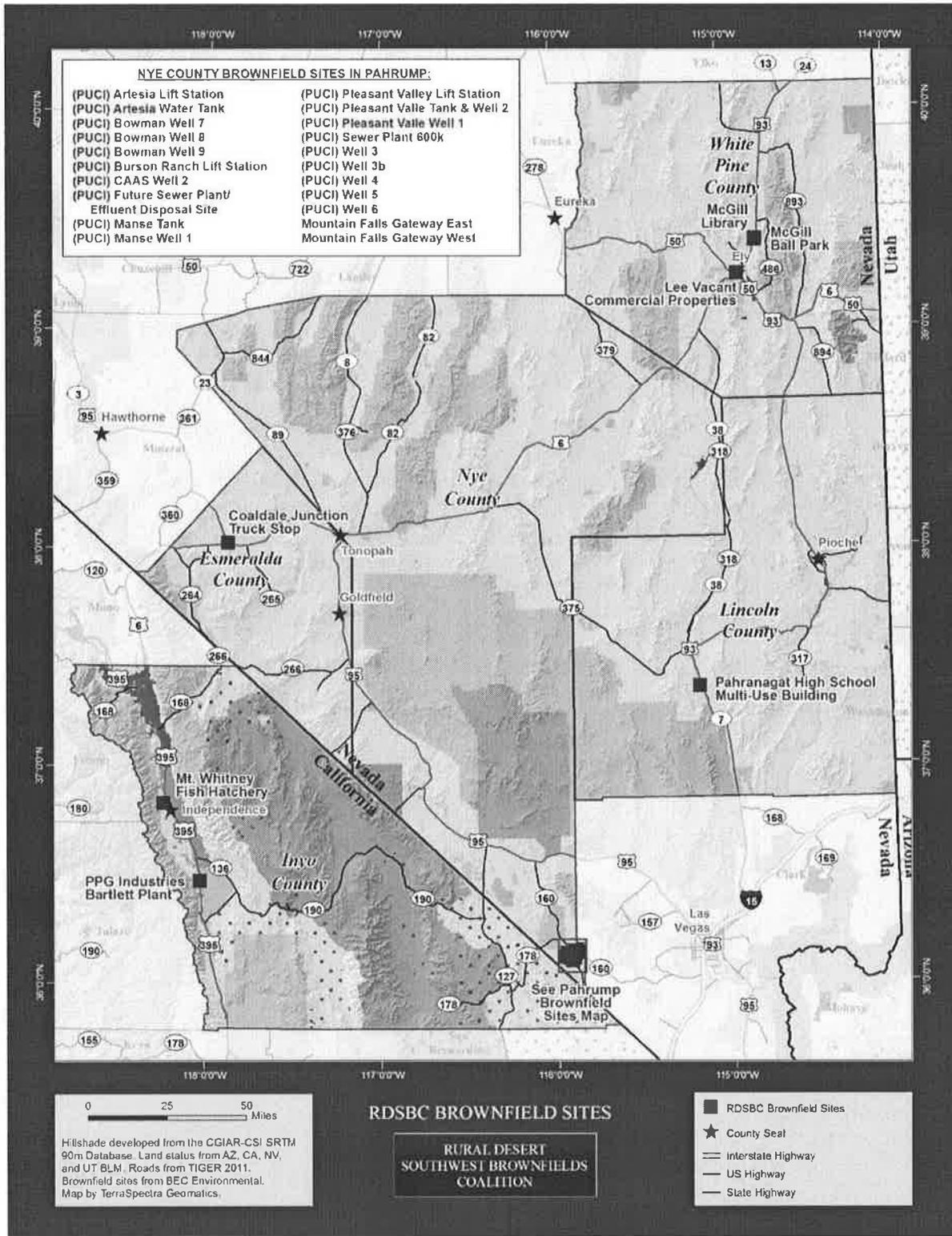


Figure 1. RDSBC Brownfield Sites

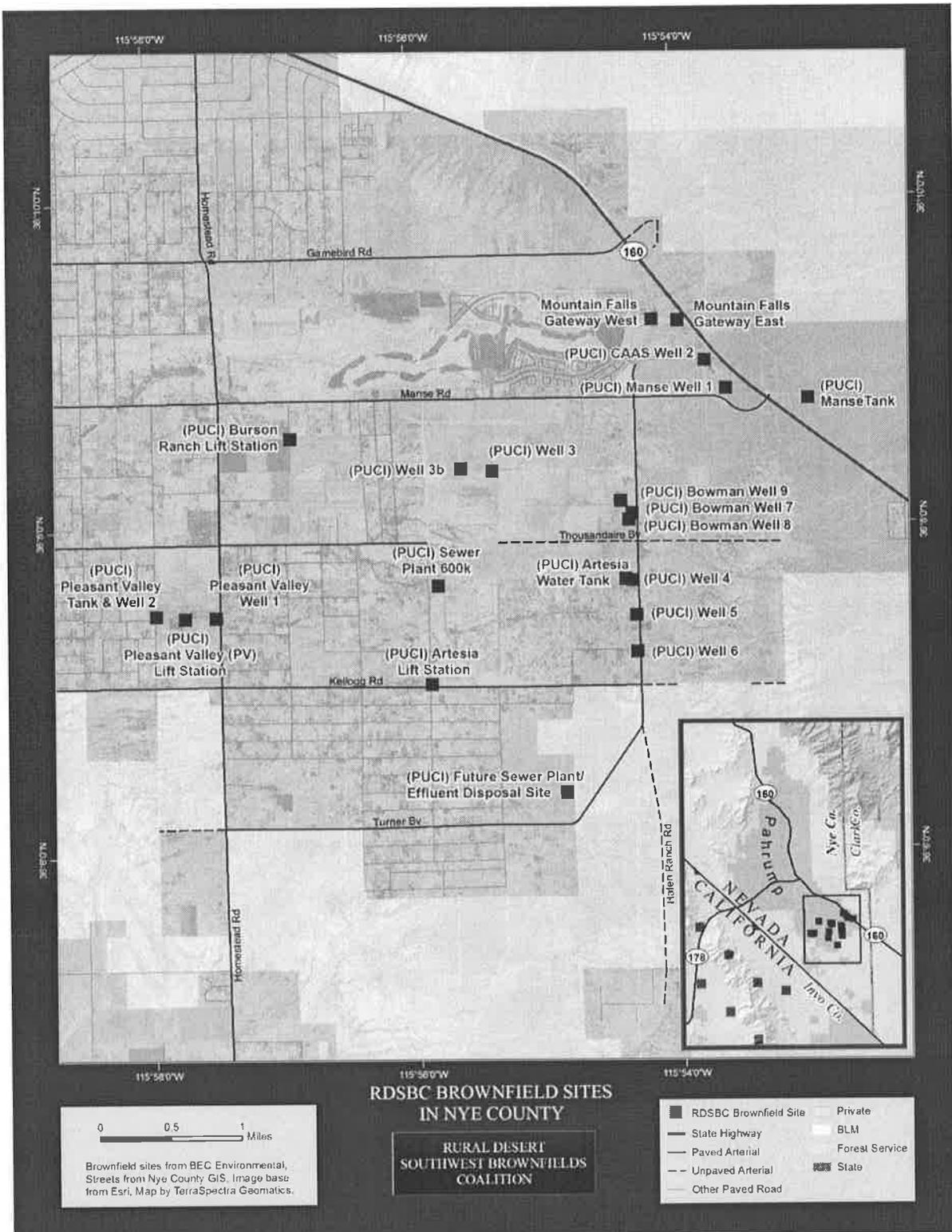


Figure 2. RDSBC Pahrump Brownfield Sites

1.4 Program Benefits and Measures of Success

The overarching mission of the RDSBC is to cultivate economic opportunities across the region to revitalize communities hard hit by the economic recession and to build financial security through industry diversification. The RDSBC built this partnership out of a common interest to develop a renewable energy sector and supply chain spanning the five-county region, but the Coalition is fully aware that a single industry will not sustain the local economies. Therefore, the region is pursuing a variety of complementary economically and environmentally sustainable opportunities that will enhance the livability of each community. Renewable energy serves as the cornerstone of the diversification efforts because initial interest in this sector has brought in investments that will help attract other business development opportunities. Among these investments have been upgrades to the local workforce, infrastructure, and community facilities to meet both short-term and long-term economic and community development demands.

The RDSBC's goal is to attract projects and stagger construction activities to utilize a single, trained workforce on multiple renewable energy and other construction projects. Construction activities, particularly in the solar industry, represent substantial employment opportunities, but they typically only last for up to two years. In order to prevent mass influxes of temporary workers into an area and/or spikes in unemployment once construction jobs on a single project are no longer needed, the Coalition is striving to cultivate spheres of development that will utilize a single workforce on projects commencing at various intervals. As part of the workforce planning process, Nye County applied for and was awarded an Environmental Workforce Development and Job Training Grant in 2012 to train residents of Pahrump for occupations in the environmental industry. Targeted employment opportunities for graduates of this program include work on brownfields, renewable energy, and mining projects. Nye County is also coordinating with the other Coalition members to identify opportunities to expand the workforce training program and apply for additional funding to provide training to residents of the other member-counties. Without this workforce planning, the communities will face shortages in resources and services, such as housing, education, healthcare, and food supplies for residents located in the Coalition's small, remote rural communities.

There are a number of projects, both inside and outside the renewable energy industry, in the queue that will support this long-term development approach. Several renewable energy-related projects have been proposed, have broken ground, and/or have completed construction in the Coalition territory. These projects are contributing to the cultivation of the regional renewable energy industry and creating sustainable employment opportunities. These projects include:

- Pattern Energy is operating the 152 MW Spring Valley Wind Project outside of Ely, White Pine County, Nevada that began service in August 2012 (Pattern Energy). The facility, which cost \$225 million to construct, is anticipated to provide 13 long-term, full-time operations and maintenance jobs and generate tax revenue for White Pine County and the State of Nevada in excess of \$20 million over 20 years (Bureau of Land Management).
- The One Nevada Transmission Line (ON Line) is a 500 kV transmission project that began service in January 2014. It transects Lincoln, Nye, and White Pine Counties and was developed to connect Nevada's northern and southern transmission infrastructure and support increased capacity for renewable energy projects. The ON Line is part of a larger transmission construction upgrade that connects Idaho and Nevada, called the Southwest Intertie Project.
- The 110 MW, SolarReserve Crescent Dunes Solar Thermal Project, located near Tonopah, Nye County, Nevada, is estimated to have construction costs of \$900 million and over 4,000 direct and indirect jobs. The project was sited to enable use of existing transmission infrastructure formerly utilized by one of the County's legacy mines, the former Anaconda mine. According to the project's website (SolarReserve, LLC.), "During operations, the project will expend more than

\$10 million per year in salaries and operating costs, and is forecasted to generate \$47 million in total tax revenues through the first 10 years of operation.” The project entered the commissioning phase in December 2013, the last step before the project begins delivering power to NV Energy later in 2014.

- The Sunshine Valley Solar project, a 65 MW solar facility located on private land in Amargosa Valley, Nye County, Nevada, is proposed by First Solar. The project is expected to create 200 construction jobs with construction and operation planned for 2016.
- Advanced Rail Energy Storage (ARES) has proposed a gravity-based energy storage project with a capacity of 50 MW. The project, located in Nye and Clark Counties in Nevada, will address intermittency issues and is currently in the Plan of Development stage.

Outside of the renewable energy industry, a number of projects have been proposed or are currently underway that can provide employment opportunities and infrastructure investment in the RDSBC communities. Some of these projects include:

- Electric vehicle recharging infrastructure is being proposed along major transportation corridors throughout California and Nevada.
- The indoor agriculture industry is being targeted as a new market opportunity in Nevada by the Governor’s Office of Economic Development.
- Research and development opportunities into unmanned aerial vehicles are being explored across the Nevada Counties.
- A medical manufacturing facility is proposed in Inyo County.
- Recent activity in Inyo County centered on renovating older structures and preserving local history and culture, specifically at the former Mt. Whitney Fish Hatchery and former PPG Industries Bartlett glass manufacturing plant.

Community facility and open space projects are another facet of the Coalition's long-range planning to establish strong, thriving communities. Under previous brownfields projects, Nye County set the stage for this type of community investment through the Beatty Habitat Trails project and the Tonopah Fire Station and Farmer's Market. A number of individuals and organizations were recognized by the U.S. Fish and Wild Service Region 8 for the Beatty Habitat Trails conservation efforts that led to the preservation of the Amargosa Toad (US Fish & Wildlife Service). Additionally, the Former Pink Motel, a dilapidated property along Tonopah's main street contaminated with asbestos containing materials, was torn down and now the site is home to the Town's fire station and emergency services facility, a pocket park, and farmer's market. Other planned and ongoing community facility projects for the brownfields sites under in the RDSBC Program include:

- McGill Ball Park, White Pine County, Nevada
- Pahrnat High School Multi-Use Building, Lincoln County, Nevada
- Mt. Whitney Fish Hatchery, Inyo County, California
- PPG Industries Bartlett Plant, Inyo County, California - A portion of the plant is planned as an artists' colony and a mural has already been added to the site.
- Pahrump Utilities Company Inc., Nye County Nevada - Assessment of Water Infrastructure in Pahrump, Nye County, Nevada

The following table shows the goals established for the RDSBC and the measures of success achieved under this grant award.

Table 8. RDSBC Measures of Success

Measures	FY2011 Goal	FY2011 Actual
Site lists	2	2
Site eligibility forms completed (by parcel)	20	31
ACRES Forms (by parcel)	20	31
Phase I ESAs (by parcel)	20	30
Property Fact Sheets (by parcel)	20	31
Sampling and Analysis Plans (by parcel)	5	10
Phase II ESAs (by parcel)	5	6
Parcels not requiring cleanup activity	N/A	24
Proposed cleanup and redevelopment action (by parcel and acreage)	5 parcels	5 parcels, 111.43 acres
Cleanup activities underway (acres)	N/A	0
Cleanup activities complete (acres)	N/A	4.81
Clean-up/Reuse plans	5	3
Redevelopment activities (by parcel)	N/A	3
Area Wide Plan	1	1
Coalition/County Maps	N/A	5
Public Outreach Plan	1	1
Institutional Controls	5	1
Additional funding leveraged as of 1/22/14	N/A	\$381,809.45

*The RDSBC is ahead of schedule and has recently begun cleanup/reuse planning for sites where Phase II ESAs have been completed. Sites undergoing cleanup are being funded by the property owner or other partners. Cleanup activities are being conducted in phases as funding becomes available.

Leveraging resources and building on past related activities are a critical component of the RDSBC Program. The RDSBC has leveraged various programs to support the assessment, remediation, and redevelopment of brownfields in the region. Leveraged resources have included but are not limited to: the Nevada State Brownfields Program, the Southern Nevada Public Lands Management Act, the DOE Grant for the White Pine County Renewable Energy Feasibility Study, and local public and private funds (ex. Lincoln County School District funding to remove asbestos containing building materials at the Pahrangat High School Multi-Use Building, and Nye County’s District Attorney’s staffing assistance to promote a Brownfields ordinance). The RDSBC successes are not all directly quantifiable but demonstrate the benefits of the program to the communities. Some of the many benefits include:

Institution Controls - The RDSBC has prepared an institutional control to address potential contamination and blight of tax foreclosed properties. The institutional control is intended to provide a mechanism for assessing tax foreclosed properties suspected of blight and contamination with the aim of preventing the tax sale of properties hindered from redevelopment due to blight and contamination without the buyers understanding the potential barriers to redeveloping the property. Esmeralda County has recognized the problem, Nye County has provided resources to address the problem through the development of the draft institutional control, and each of Coalition members is considering implementation of the institutional control.

Renewable Energy Resource Maps - The initial map concept was sparked by Nye County's participation in the MSLI. Nye County subsequently used congressionally directed funds overseen by the DOE to prepare solar resource maps. The RDSBC recognized the benefit of the maps and expanded on them to create resource maps for each Coalition member documenting concentrating solar, solar PV, wind, biomass, and geothermal as well as layers showing land status, transmission, and brownfields site

locations. White Pine County expanded on the resource maps further under its renewable energy feasibility study funded by the DOE.

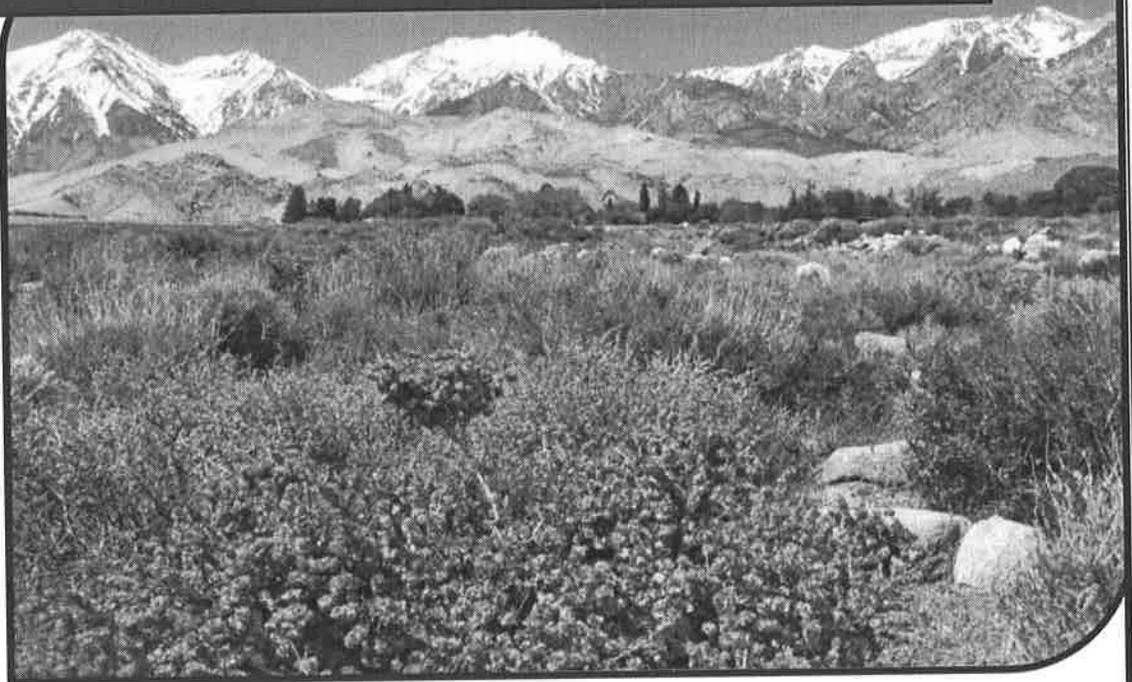
White Pine County Renewable Energy Feasibility Study - The renewable energy feasibility study prepared under White Pine County's DOE grant provided an assessment of concentrating solar, solar PV, wind, biomass, and geothermal development in White Pine County. The study includes resource assessments specific to White Pine County but also evaluates market opportunities that could influence renewable energy development considerations for projects in Esmeralda, Lincoln, and Nye Counties. The feasibility study is included in Appendix H; the complete feasibility study with appended resource assessments (*White Pine County Renewable Energy Resource Assessments and Feasibility Study*) is available on the RDSBC website.

Nevada Rural Brownfields Partnership - The Nevada Rural Brownfields Partnership grew out of the RDSBC Program. The Nevada members of the RDSBC joined together to start a brownfields cleanup revolving loan fund (RLF); Inyo County did not join the partnership because it is covered under the State of California's brownfields cleanup RLF. Esmeralda, Lincoln, Nye, and White Pine Counties agreed to pursue an RLF because they wanted to ensure that sites assessed and found to be contaminated did not sit without further action due to the inability of property owners to access funding resources needed for cleanup.

RDSBC Six-County Application - The RDSBC member counties decided to apply for additional funding to continue the RDSBC Program and expand the Program to include Mineral County, Nevada. The RDSBC members recognized the need to assess additional properties that could not be included in the current program because there was not enough available funding for all known sites requiring assessment. Mineral County was included because the RDSBC's brownfields redevelopment goals were well-aligned with Mineral County initiatives, which included the expansion of the redevelopment plans to include the agricultural industry.

Future Workforce Development and Training Programs - Nye County is currently overseeing an Environmental Workforce Development and Job Training Program funded by the EPA. This program is focused on training individuals in the Pahrump area and was developed based on Nye County's former Brownfields Job Training Program. Nye County is working with the other RDSBC members to evaluate the potential for an expanded Environmental Workforce Development and Job Training program that can provide training opportunities to individuals across the six county region. This type of training program can support the region's plans to prepare a single workforce for job opportunities in brownfields assessment and remediation as well as targeted redevelopment sectors. This approach to workforce planning is intended to prevent widespread unemployment that the member counties experienced following the economic recession that began in 2008.

Section 3 – Inyo County



3 Inyo County

3.1 Community Description/Overview

Inyo County is located in south central California along the California-Nevada border. Inyo County is 10,180.88 square miles (U.S. Census Bureau, 2012), 92 percent of which is managed by the Bureau of Land Management (BLM) (Inyo County Planning Department, 2001). As of 2010, Inyo County had 18,546 residents (U.S. Census Bureau, 2010a). There are many communities spread throughout Inyo County ranging in size from several people to several thousand people. The largest communities based on population, as of the 2010 Census, in descending order are Bishop (3,879), Lone Pine (2,035), Big Pine (1,756), and Independence (669) (U.S. Census Bureau, 2010b).

3.1.1 History

Formed in 1866 from Mono and Tulare Counties, Inyo County derives its name from the Indian name for its mountains, "Dwelling Place of the Great Spirit" (California State Association of Counties). Inyo County boasts diverse contrasts in topography and climate, encompassing Mount Whitney, the highest peak in the lower 48 states; Death Valley National Park, including Badwater, the lowest point in the United States; and the Great Basin bristlecone pines, the oldest living life forms on earth (Harthill). The Owens Valley and Death Valley areas of Inyo County have historically been inhabited by bands of Paiute and Shoshone Indians. Nomadic, these tribes moved throughout the region harvesting native vegetation, fishing, and following the migration of game animals. Today, Inyo County is home to four Paiute and Shoshone Indian reservations: Lone Pine, Independence, Big Pine, and the Bishop Paiute Reservation, which is the largest of the four (Eastern sierra native americans, 2006).

Early prospectors, drawn west to the Eastern Sierra as part of the great California gold rush, quickly discovered rich silver deposits in Inyo County, which created a rush of its own. In the 1850s the greatest bullion strike in California was made in the town of Cerro Gordo, and by 1868 the mining town of Cerro Grande was yielding such high volumes of silver that it was compared to the silver strike of the nearby Comstock Lode in Carson City, Nevada. Cerro Gordo was the first significant silver strike in the Owens Valley of Inyo County, and eventually became the largest producer of lead and silver in California, producing 4.5 million ounces of silver (Inyo county mines, 2006).

Mining in the California Desert in the nineteenth century concerned itself mainly with metallic minerals such as gold, silver, copper, lead and zinc. However, in the twentieth century an increasingly important role has been played by non-metallic minerals, which have become Inyo County's most plentiful mineral resources. In addition to the borax discoveries near the town of Ryan, salt, sulphur, and talc were discovered in very large quantities (Shumway, 1980).

The economy of Inyo County today is driven predominantly by three economic segments: tourism, local spending, and mining (Inyo County Planning Department, 2001). The economy of Inyo County relies heavily on tourism, with visitor spending accounting for 70 percent of all retail and lodging purchases in the County. The majority of this activity takes place during the summer months at popular destinations such as the Sierras and Mt. Whitney, Death Valley, hot springs in southeastern Inyo, and the Owens River. Leading recreational activities include fishing, hiking, mountain climbing, horseback riding, backcountry skiing, biking, sightseeing, and photography (Inyo County Planning Department, 2001). In addition, Inyo County has an 80-year history with Hollywood, serving as a favorite film location since the 1920s for feature movies, independent films, television, and commercials. Offering a landscape which lends itself to a variety of creative possibilities, the Alabama Hills and Movie Road of Inyo County are some of the County's most sought after locations for filming. Inyo County has provided the backdrop for television and film depicting locales such as the American west, India, the Himalayas, and even other planets (Inyo county film history, 2006).

3.1.2 Demographics

Current Population Characteristics: According to the U.S. Census Bureau, the 2010 population in Inyo County was 18,546. One-fifth of that population (3,879 people) resided in the City of Bishop. The Greater Bishop Area has an estimated population of 12,000 representing approximately two-thirds of the County's population. The Greater Bishop Area includes small communities surrounding Bishop from Big

Table 21. Inyo County Demographics

Subject	Inyo
Land Area (sq. mi.) ¹	10,180.88
Population ¹	18,546
Median Age (Years) ¹	45.6
16 Years and Older ¹	81.60%
65 Years and Older ¹	19.10%
Percent Minority ¹	25.90%
Average Household Size ¹	2.25
Unemployment ²	9.90%
Per Capita Personal Income ³	\$37,124
Poverty Rate ⁴	11.90%
High School Graduate or Higher ⁵	88.60%
Bachelor's Degree or Higher ⁵	20.90%

¹U.S. Census Bureau, 2010 Census, 2010.

²BLS, Labor Force Data by County, 2011 Annual Average, 2012.

³BEA, 2010 Bearfacts, 2012.

⁴U.S. Census Bureau, 2006-2010 ACS 5-year Estimates, 2006-2010b.

⁵U.S. Census Bureau, 2006-2010 ACS 5-year Estimates, 2006-2010b.

Pine (1,756 residents) located 15 miles south on U.S. Route 395 to the northern Inyo border with Mono County. Lone Pine has the second largest population in Inyo County at 2,035 residents. Independence, the county seat, comprises less than four percent of the County's population at 669 residents as of the 2010 Census. Minorities make up a quarter of the population in Inyo County. The minority population is primarily comprised of individuals of Native American or Hispanic origin. Nearly 20 percent of the population is 65 years or older, compared to 13.0 percent nationally (U.S. Census Bureau, 2010a). Just over 20 percent of those 25 and older hold a bachelor's degree or higher compared to 27.9 percent nationally (U.S. Census Bureau, 2006-2010a).

Historic Population Trends:

Inyo County saw a significant spike in population between 1940 and 1950, with the population increasing by more than 4,000 people—over half the population in 1940. Between 1950 and 1960, the population remained stagnant, but the following decade, the population saw another spike of almost 4,000 residents. More than 2,000 residents moved to Inyo County in the 1970s. From 1980 to 2010, the population saw little change, growing by about 650 residents in a span of 30 years.

Table 22. Inyo County Population, 1930 to 2010

Year	Population	Percent Change	Annual Percent Change
1930 ¹	6,555		
1940 ¹	7,625	16.32%	1.63%
1950 ¹	11,658	52.89%	5.29%
1960 ¹	11,684	0.22%	0.02%
1970 ¹	15,571	33.27%	3.33%
1980 ¹	17,895	14.93%	1.49%
1990 ²	18,281	2.16%	0.22%
2000 ³	17,945	-1.84%	-0.18%
2010 ⁴	18,546	3.35%	0.33%

¹U.S. Census Bureau, 1980.

²U.S. Census Bureau, 1990.

³U.S. Census Bureau, 2000.

⁴U.S. Census Bureau, 2010.

Population Projections: The California Department of Finance's Demographic Research Unit projected a population growth for Inyo County of approximately 11 percent, or almost 5,000 residents, over a 40 year period through 2050. Over the last 40 years, from 1970 to 2010, the County only saw a growth of 2,975 residents (Schwarm, 2012).

Table 23. Inyo County Population Projections, 2010 to 2050¹

Year	Population Forecast	Percent Change	Annual Percent Change
2010	18,624		
2015	18,921	1.59%	0.32%
2020	19,388	2.47%	0.49%
2025	20,049	3.41%	0.68%
2030	20,657	3.03%	0.61%
2035	21,360	3.40%	0.68%
2040	22,091	3.42%	0.68%
2045	22,827	3.33%	0.67%
2050	23,618	3.46%	0.69%
Total Change	4,994	10.92%	
Annual Average Change	125		0.53%

¹Schwarm, 2012, May 7.

Business Activity and Labor Force: Business activity in Inyo County has historically been, and continues to be, dominated by natural resource-related industries and sectors, including agriculture, mining, energy, and leisure. Additionally, government services make up more than 40 percent of the industry employment as shown in Table 24. The percent of employment supported by federal, state, and local government as well as leisure and hospitality is above the percentage those industries make up of the national economy (Bureau of Labor Statistics, 2012b). In addition to those industries, education, medical, and retail sectors also represent some of the largest employers in the County as shown in Table 24. The County’s largest employer is a bottled water firm near Olancho with more than 500 employees (California Employment Development Department, 2012).

Table 24. Inyo County Employment by Industry, 2011¹

Industry	Annual Average Employment	Annual Average Pay	Employment Location Quotient Relative to U.S.	Total Wage Location Quotient Relative to U.S.
Total, all industries	7,431	37,237		
Total, all industries (Federal Gov’t)	401	52,477	2.44	2.26
Total, all industries (State Gov’t)	330	49,186	1.26	1.60
Total, all industries (Local Gov’t)	2,347	46,056	2.96	4.00
Total, all industries (Private)	4,353	30,171	0.70	0.57
Goods-Producing	504	40,802	0.46	0.43
Natural Resources and Mining	95	54,373	0.88	1.15
Construction	154	35,892	0.49	0.45
Manufacturing	255	38,696	0.38	0.32
Service-Providing	3,848	28,777	0.75	0.61
Trade, Transportation, and Utilities	1,234	34,757	0.87	0.97
Information	73	33,256	0.48	0.26
Financial Activities	151	31,680	0.35	0.19
Professional and Business Services	262	36,525	0.26	0.20
Education and Health Services	447	35,802	0.41	0.43
Leisure and Hospitality	1,449	19,368	1.90	2.40
Other Services	217	27,916	0.86	1.03
Unclassified	15	62,505	1.46	2.27

¹BLS, QCEW.

Table 25. Inyo County Top Employers, 2012¹

Industry	NAICS	Size class	Trade Name	City
Nursing & Convalescent Homes	623110	50-99 employees	Bishop Care Ctr	Bishop
Government Ofcs-Authorities/Commissions	921120	100-249 employees	Bishop Paiute Gaming	Bishop
Water Companies-Bottled, Bulk, Etc	445299	500-999 employees	C G Roxane Water Co	Olancha
Government Offices-County Parks	921120 712190	100-249 employees 250-499 employees	County Courthouse Death Valley Ntl Park Svc	Independence Death Valley
Government Offices-City, Village & Twp	921120	100-249 employees	Department of Water & Power	Independence
Schools	611110	100-249 employees	Elm Street Elementary School	Bishop
Museums	712110	250-499 employees	Furnace Creek Ranch	Death Valley
Sheriff	922120	50-99 employees	Inyo County Sheriff	Independence
Department Stores	452111	50-99 employees	Kmart	Bishop
Schools	611110	50-99 employees	Lone Pine School District Ofc	Lone Pine
Government Offices-City, Village & Twp	921120	50-99 employees	Los Angeles Operation & Mntnc	Independence
Government Offices-City, Village & Twp	921120	50-99 employees	Los Angeles Water & Power Dept	Bishop
Hospitals	622110	50-99 employees	Mammoth Hospital	Bishop
Hospitals	622110	50-99 employees	Mammoth Hospital	Bishop
Limited-Service Restaurant	722211	50-99 employees	Mc Donald's	Bishop
Hospitals	622110	50-99 employees	Northern Inyo Hospital	Bishop
Hospitals	622110	250-499 employees	Northern Inyo Hospital	Bishop
Hospitals	622110	100-249 employees	Southern Inyo Hospital	Lone Pine
Hotels & Motels	721110	50-99 employees	Stovepipe Wells Village	Death Valley
Physicians & Surgeons	621111	100-249 employees	Toiyabe Indian Health Project	Bishop
State Government-Transportation Programs	926120	100-249 employees	Transportation Department	Bishop
Government-Forestry Services	115310	100-249 employees	US Forestry Dept	Bishop
Grocers-Retail	445110	100-249 employees	Vons	Bishop
Full-Service Restaurant	722110	50-99 employees	Whiskey Creek Inc	Bishop

¹California Employment Development Department, 2012.

The number of people unemployed in Inyo County essentially doubled in 2010 (958) and 2011 (940) compared to 1990 (503) and 2000 (412) as shown in Table 26. In 2000, the County experienced very low unemployment at less than five percent, but following the economic downturn, the rate of unemployment has been at or about ten percent. Between 2010 and 2011, the total number of individuals in the labor force dropped by 78, but only 18 fewer people were unemployed (Bureau of Labor Statistics, 2012a).

Table 26. Inyo County Labor Force Data, 1990 to 2011¹

Subject	1990	2000	2010	2011
Total Labor Force	7,015	8,853	9,566	9,488
Unemployment	503	412	958	940
Unemployment Rate	7.20%	4.70%	10.00%	9.90%
Total Employment	6,517	8,441	8,608	8,548

¹BLS, LAUS, Labor Force Data by County, Annual Averages.

Housing: According to the 2010 Census, there were 9,478 housing units in Inyo County, of which 182 were available for rent and 90 were for sale as shown in Table 27. In 2009, the County projected a need of 457 additional housing units, of which 40 percent were needed for low-income households, as reported in the Housing Element of the Inyo County General Plan. The County’s projections accounted for a 14.81 percent vacancy rate calculated by the California Department of Finance in 2008 for the County, which was only 0.3 percent less than the 2010 vacancy rate reported by the U.S. Census Bureau.

Table 27. Inyo County Housing Characteristics¹

Subject	Number	Percent
Total housing units	9,478	100.0%
Occupied housing units	8,049	84.9%
Owner-occupied	5121	63.6%
Renter-occupied	2928	36.4%
Vacant housing units	1,429	15.1%
For rent	182	1.9%
Rented, not occupied	21	0.2%
For sale only	90	0.9%
Sold, not occupied	20	0.2%
For seasonal, recreational, or occasional use	716	7.6%
All other vacant	400	4.2%

¹U.S. Census Bureau, 2010.

3.1.3 Physical Description

Location: Inyo County is located in south central California along the California-Nevada border. Inyo County is bordered by the California counties of San Bernardino, Kern, Tulare, Fresno, and Mono and the Nevada counties of Esmeralda, Nye, and Clark. The County is 10,180.88 square miles (U.S. Census Bureau, 2012). Many of Inyo County’s communities are located near the western border of the County along U.S. Route 395, including Bishop, Big Pine, Independence, and Lone Pine (north to south).

Topography: Inyo County primarily resides within the Basin and Range province. To the west, the Sierra Nevada Mountains define the border between Inyo County and Tulare and Fresno Counties. Common to the Basin and Range province, Inyo County has north-south mountain ranges which drop steeply into large flat valleys. The lowest place in Inyo County is Death Valley and the highest is Mt. Whitney. Death Valley sits at 282 feet below sea level and is lowest location in the United States. Mt. Whitney is the highest location in the lower 48 states, sitting at approximately 14,494 feet above sea level (National Park Service, 2012).

Climate: Inyo County is relatively dry with the majority of the County’s valleys receiving less than 15 inches of rain per year. Southeast Inyo County, from Death Valley into the Mojave Desert, receives less than 5 inches of rain per year (National Atlas, 2009). According to Desert Research Institute data, portions of the Sierra Nevada Mountains and White Mountains lying in Inyo County may receive over 15 inches of precipitation per year and more than 100 inches of snowfall annually, over the winter and spring

months. Inyo County valleys have modest to hot summers, with temperatures in the low 70s in the north, and in excess of 90 degrees Fahrenheit in the southeast; most areas in Inyo County see an average drop of 30 degrees at night. Death Valley, which resides in Inyo County, is one of the hottest places in the United States, often sees temperatures in excess of 120 degrees Fahrenheit during summer months (National Park Service). West-northwest Inyo County has colder winters with temperatures as low as the upper 20s with some areas seeing snow, primarily on the Sierra Nevada Mountain Range bordering western Inyo County. Southern Inyo County's winter temperatures drop as low as the low 40s with no snowfall (Desert Research Institute, 2012)

Table 28. Inyo County Climate Information

Cooperative Station	Period of Record	Average Max. Temp. (F)	Average Min. Temp. (F)	Average Total Prec. (in.)	Average Total Snowfall (in.)
Bishop WSO Airport (040822)	7/ 1/1948 to 8/22/2012	74.5	37.6	5.28	8.1
White Mountain 1 (049632)	10/1/1955 to 12/20/1977	46.6	20.7	13.13	105.6
Lake Sabrina (044705)	1/ 1/1925 to 9/30/2009	55.3	28.4	17.05	140.4
Independence (044232)	1/ 1/1893 to 8/22/2012	75.2	44.6	5.21	3.2
Haiwee (043710)	5/ 1/1923 to 8/22/2012	73.2	46.1	6.50	4.9
Wildrose Ranger Stn. (049671)	1/ 1/1969 to 1/31/2000	72.2	45.3	6.90	2.4
Death Valley (042319)	4/ 1/1961 to 8/23/2012	90.9	62.5	2.23	0
Shoshone (0408200)	12/1/1972 to 3/14/2011	83.1	56.3	4.79	0.2
Trona (049035)	1/ 1/1920 to 8/23/2012	81.4	52.0	3.94	0

¹Western Regional Climate Center, NOAA Cooperative Stations.

3.1.4 Infrastructure

Inyo County communities are provided power, water, sewer, television, telephone, internet, and transportation through a variety of entities. Inyo County's power is provided by large entities whose infrastructure traverses multiple California counties. Water and sewer infrastructure is primarily community based, though wells and septic are used in more rural areas. Communication infrastructure is also community based, though many communities are serviced by the same entities. Inyo County has several general aviation airports and numerous private, county, state, and federal roadways providing accesses to Inyo County communities and adjacent counties.

Electric and Gas: Southern California Edison (SCE) and the Los Angeles Department of Water and Power (LADWP) provide power to the Inyo County communities. SCE services coastal, central, and southern California with almost 14 million users across 180 cities (Edison International). The LADWP was established in the 1900s and provides power services to approximately 1.4 million people (Los Angeles Department of Water and Power). SCE and LADWP each own and operate a transmission line which runs north-south along U.S Highway 395. SCE's transmission line consists of 100 to 161 kilovolt (kV) cables, and heads east at Bishop continuing towards southern Esmeralda County. The LADWP transmission line, also known as the Pacific Direct Current (DC) Intertie, is a 500 kV line and continues to head north past Bishop, through Mono County, California, and into Mineral County, Nevada. There are no natural gas pipelines in Inyo County (California Energy Commission, 2011).

Water and Sewer: Inyo County communities receive water and sewer through town or city utilities, service districts, water associations, or through the use of well and septic systems. The City of Bishop owns and operates a water and sewer system within city boundaries. The community of Independence

receives water service from Owenyo Services, and sewer service is provided by the LADWP. Lone Pine also receives water service from Owenyo Services; sewer is provided by the Lone Pine Community Service District. Big Pine receives water and sewer from the Big Pine Community Service District. The Rolling Green community, outside of Big Pine, is serviced by the Rolling Green Community Service District. Other water and sewer providers present in Inyo County include Aspendell Mutual Water, Owens Valley Indian Water Commission, Indian Creek Mutual Water Association, Meadow Creek Water Association, Bishop Creek Water Association, Starlite Community Services District, Westridge Community Services District, and Eastern Sierra Community Service District (Inyo County Public Works, 2012).

Table 29. Inyo County Water and Sewer Utilities

Location	System	Type	Contact	Phone
Bishop	City of Bishop	Water/ Sewer	Public Works	760-873-8458
	Aspendell Mutual Water	Water	Lewis McConnell	760-873-6429
	Starlite Community Services District	Water		760-872-2137
	Westridge Community Services District	Water	Vern Mclean	760-872-2480
	Indian Creek Mutual Water Association	Water	Bishop Dave Oldenburg	760-937-8881
	Meadow Creek Water Association	Water	Dan Totheroh	760-872-2137
	Owens Valley Indian Water Commission	Water		760-873-3300
	Bishop Creek Water Association	Water	Miles Maillet	760-920-8264
Bishop Area	Eastern Sierra Community Services District	Sewer		760-872-1415
	Lone Pine Community Service District	Sewer	Vick Jackson	760-876-5312
Lone Pine	Owenyo Services	Water	Anisa Eaton	760-876-4700
	Big Pine Community Service District			760-938-2660
Big Pine	Rolling Green Community Service District			760-938-3311
Big Pine Area	Owenyo Services	Water	Anisa Eaton	760-876-4700
	LADWP	Sewer	Charlotte Rodriguez	760-878-3031
Independence				

Communications: Inyo County has a variety of communication service providers. Smaller communities without land lines can receive television, telephone, and internet through satellite or wireless service providers. Table 30 lists service providers and the services they provide, by community. The companies listed in Table 30 were compiled from the service provider lists for other Rural Desert Southwest Brownfields Coalition (RDSBC) counties. Each provider’s services and service territory was verified through interviews with sales representatives or through the provider’s website. Table 30 is intended to provide at least one service provider for television, telephone, and internet for each community.

Table 30. Inyo County Communications Providers

Location	Provider	Television	Telephone	Internet
Bishop	AT&T Mobility LLC		✓	✓
	Verizon Wireless		✓	✓
	Hughes Network Systems			✓
	DISH Network Corporation	✓		✓
	AT&T Mobility LLC		✓	✓
Lone Pine	AT&T Mobility LLC		✓	✓
	Verizon Wireless		✓	✓
	Hughes Network Systems			✓
	DISH Network Corporation	✓		✓
	ViaSat, Inc.			✓
Big Pine	AT&T Mobility LLC		✓	✓
	Verizon Wireless		✓	✓
	Hughes Network Systems			✓
	Sprint		✓	✓
	DISH Network Corporation	✓		✓
Independence	Hughes Network Systems			✓
	AT&T Mobility LLC		✓	✓
	Verizon Wireless		✓	✓
	DISH Network Corporation	✓		✓

Transportation: The backbone of Inyo County’s roadways consists of U.S. and State Routes which include U.S. Route 395 and 6, and State Routes 168, 136, 190, 127, and 178. These routes connect to private, city, county, and federal roadways. The U.S. and state routes, which traverse Inyo County, are classified as arterials or collectors. Arterials interconnect to form a network of interstate roadways which may traverse multiple counties or states. Furthermore, collectors act as intra-county roadways which feed into arterials. Figure 4 displays the principal arterials, minor arterials, and major collectors which form the backbone of Inyo County’s roadway network.

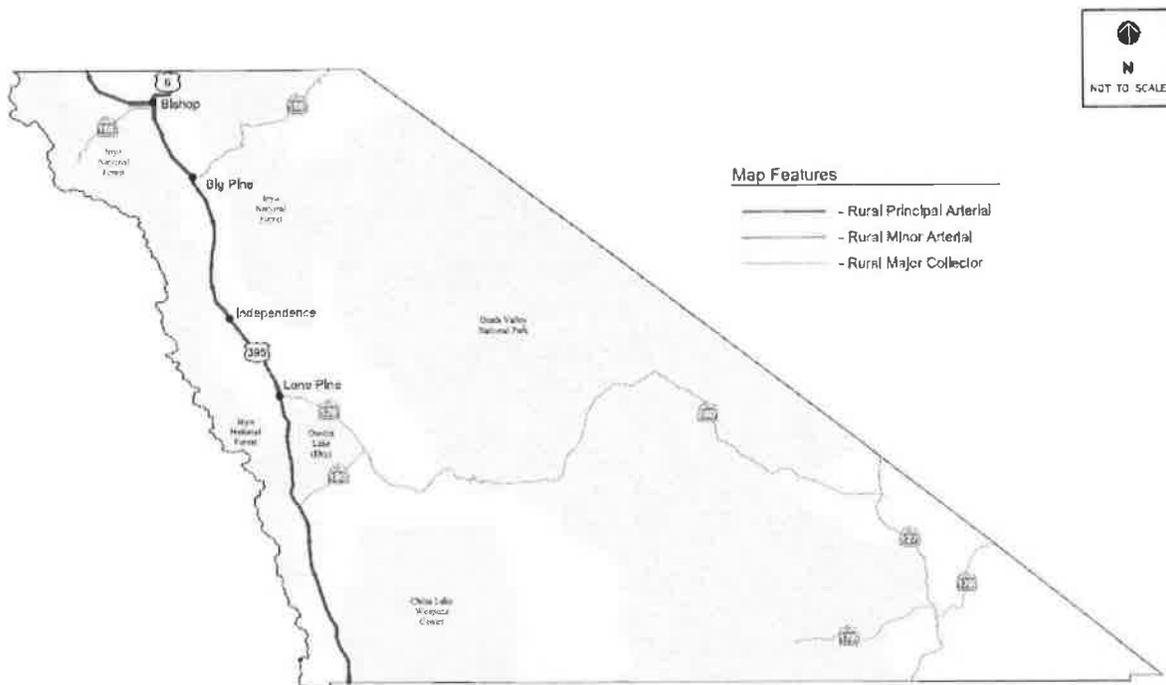


Figure 4. Inyo County Roadway Functional Classification

There are currently no active railways in Inyo County (Smith, 2012). The only mass transit provider in Inyo County is Eastern Sierra Transit Authority formerly “Inyo Mono Transit.” The Eastern Sierra Transit Authority has several Inyo County routes including: (1) Reno, Nevada to Lancaster, California; (2) Benton, California to Bishop, California; and (3) Tecopa, California to Pahrump, Nevada. The Reno to Lancaster route is the Eastern Sierra Transit Authority’s longest route and has stops in several Inyo County communities including Lone Pine and Independence. Inyo County has a total of nine airports of which eight are general aviation airports. Bishop, Lone Pine, and Independence each have a general aviation airport.

3.1.5 Planning Initiatives

Inyo County developed its General Plan in 2001 and prepares annual updates to the plan. In 2011, the County amended the General Plan to include provisions for Solar and Wind Renewable Energy development (Inyo County, 2011). In addition to the Renewable Energy provisions included in the General Plan, the County also adopted Title 21 to the Inyo County Code, known as the Renewable Energy Ordinance. These resources are intended to encourage development while establishing guidelines to address and limit adverse impacts.

Other planning documents include, but are not limited to (for more information visit [Inyo County Plans, Laws, Ordinances and Studies](#)):

- Hazardous Materials Area Plan (2008)
- Housing Element of the General Plan (2009)

3.1.6 Community Outreach

The RDSBC draft Outreach Plan identified program goals and strategies for the County including providing information to the public to improve understanding of the Brownfields program and the RDSBC accomplishments; to provide increased opportunities for public input; sharing RDSBC

information with the public through power bill inserts, emails, and website content; and to provide updates at City Council and County Supervisor meetings. Challenges expected in the County include public concern regarding the involvement of the Environmental Protection Agency (EPA) in projects, and the cost of cleanup being more than the value of the property.

3.2 Renewable Energy Factors

Text in this section is hyperlinked to provide more information. For a list of the links see Appendix B.

Inyo County has a long history of energy development, beginning with the construction of the Los Angeles aqueduct. In 1908, the Division Creek power plant was constructed followed by the Cottonwood Creek power plant. Both were built for the purpose of providing the electricity needed in the construction of the aqueduct. Subsequent dams and power plants were built along the aqueduct system and are still producing electricity today. SCE also has several dams and power plants along Bishop Creek that produce hydroelectricity.

Inyo County added Title 19 to its Code in 1973 to guide the development of geothermal resources within its borders (Geothermal Ordinance of the County of Inyo). The County also has language in its General Plan encouraging the development of geothermal resources (Inyo County, 2001). These geothermal resources were tapped in 1987, when the Coso Geothermal field was built. It consists of four power plants that have produced up to 273 megawatts (MW) of electricity. Recently, the BLM distributed the “Haiwee Geothermal Leasing Area Draft Environmental Impact Statement and Draft Proposed Amendment to the California Desert Conservation Area Plan” (2012) which assesses amending the California Desert Conservation Area boundary to support additional geothermal exploration and development in the Haiwee Geothermal Leasing Area, increasing the potential for geothermal development in the County.

County elected officials and staff have maintained an interest in renewable energy development as it has changed over the years. In 2010, the County adopted Title 21: the Inyo County Renewable Energy Ordinance. This ordinance was developed to encourage and guide the development of solar and wind resources in the County. Also in 2010, the County wrote and adopted the Renewable Energy General Plan Amendment (Inyo County, 2011). It was challenged by environmental groups, though, and the County did not have the funds necessary to try to defend it in court; it was subsequently rescinded.

In 2002, the State of California passed Senate Bill (SB) 1078 the California RPS. Originally, the Renewable Portfolio Standard (RPS) required Investor-Owned Utilities (IOUs), electric service providers, and community choice aggregators procure 20 percent of electricity from eligible renewable resources by 2017. In 2006 the RPS was accelerated under Senate Bill 107 to meet the 20 percent standard by 2010, and in 2011, it was expanded under Senate Bill 2 to require 33 percent by 2020. It is one of the most ambitious renewable energy standards in the country, and recently, Governor Jerry Brown stated that he thought it was possible to reach a 40 percent RPS, opening the possibility to make it even more ambitious. In light of the RPS, utility companies have been actively looking for renewable resources to meet this obligation, including the two electricity providers in Inyo County, LADWP and SCE.

LADWP is a municipally owned utility and is exempt from SB 1078. The legislation, however, requires municipal utilities to develop their own renewables program consistent with the intent of SB 1078. In June 2005, the Los Angeles City Council approved LADWP’s RPS policy that called for providing 20 percent of its energy sales to retail customers from renewable energy resources by 2017, with an interim goal of 13 percent by 2010. In December 2005, the Board of Water and Power Commissioners recommended LADWP accelerate the RPS goal to obtain 20 percent of eligible renewable resources by 2010. LADWP has updated its RPS to generating 35 percent of its retail electric energy sales from renewable resources by the year 2020. In 2011, Los Angeles Mayor Antonio Villaraigosa announced that

the LADWP had reached its RPS goal of 20 percent. To help meet the 35 percent goal, LADWP runs the Solar Incentive Program for its customers. The Solar Incentive Program provides a lump sum payment to customers that purchase or lease solar photovoltaic (PV) systems to offset traditional energy consumption at their site. Customers who qualify and complete a PV installation are provided with a “net meter.” If the PV system produces more energy than is used at the site, the excess energy is calculated as a credit on their bill. In April 2012, LADWP began a Feed-in Tariff (FIT) demonstration program for distributed generation (DG) called the Solar FIT Program. It provides customers located within LADWP service area, including portions of the Owens Valley, the opportunity to sell energy by using their property as a DG site. The purpose of the demonstration program is to test and make improvements prior to launching the full FIT Program.

SCE is an IOU and is required to meet California’s RPS requirements. As of 2011, SCE met the 20 percent goal. SCE has been authorized by the California Public Utilities Commission (CPUC) to operate a five-year solar PV program to develop up to 500 MW of solar PV facilities in SCE’s service area (this includes portions of the Owens Valley). Under the program, SCE is authorized to build and own 250 MW of utility-owned solar PV capacity and to execute contracts up to 250 MW for generation from similar facilities owned and maintained by independent power producers. As part of the renewable and alternative power generation promotion, SCE offers information for distributed energy developers that includes transmission availability maps. SCE also runs a net metering program similar to LADWP’s Solar Incentive Program. If a consumer’s PV system produces more energy than is used at the site, the excess energy is calculated as a credit on the consumer’s bill. There are also incentives for the PV installation. In addition to the net metering program, SCE offers the Multifamily Affordable Solar Housing program. The Multifamily Affordable Solar Housing program offers incentives for installing eligible PV systems on qualifying multifamily affordable housing. It is designed to subsidize PV systems in multifamily housing that will offset electricity loads and provide economic benefits for housing property owners, managers, and tenants.

Inyo County has also been active in the large-scale planning for renewable energy development throughout the desert southwest by involvement in the California Transmission Planning Group (CTPG), Desert Renewable Energy Conservation Plan, Renewable Energy Transmission Initiative, and Renewable Energy Development Institute. The County’s involvement in these groups and initiatives is to promote better land use and transmission opportunities for renewable energy development in Inyo County.

The CTPG was formed in 2009 by California transmission owners and operators to identify transmission infrastructure upgrades that are necessary to meet the State’s RPS requirements. The CTPG completed the California Transmission Plan in 2011 and now seeks to improve its joint transmission planning and coordination process. Steps are being taken to increase stakeholder participation so that impacted communities and industries are more engaged in the process.

The Desert Renewable Energy Conservation Plan is intended to provide for the protection and conservation of desert ecosystems, while allowing for the development of renewable energy projects. The planning area includes the desert regions of seven California counties: Imperial, Inyo, Kern, Los Angeles, Riverside, San Bernardino, and San Diego. This area incorporates approximately 22.5 million acres of land. The plan is being created by a collaboration of agencies including: the California Energy Commission, California Department of Fish and Game, the BLM, and the U.S. Fish and Wildlife Service. A primary objective of the Desert Renewable Energy Conservation Plan is to provide an efficient biological mitigation and conservation program that will provide renewable energy developers reliable permit timing and cost certainty under the federal and California Endangered Species Acts.

The Renewable Energy Transmission Initiative is a statewide initiative that was created to help identify the transmission projects needed to accommodate the State’s RPS goals, as well as, support future energy

policy, and facilitate transmission corridor designation and transmission and generation siting and permitting. The Renewable Energy Transmission Initiative will assess all competitive renewable energy zones in California and possibly also in neighboring states that can provide significant electricity to California consumers by the year 2020. The effort to support this initiative is being supervised by the CPUC, California Energy Commission, California Independent System Operator (CAISO), and Publicly-Owned Utilities (POUs).

The Renewable Energy Development Institute was formed to help encourage the development of renewable energy. The Renewable Energy Development Institute has held numerous events to inform the public, businesses, and governments on renewable technologies. Through many partnerships, the Renewable Energy Development Institute has helped develop policies to encourage the widespread use of renewables and has developed marketing programs and materials to increase consumer awareness and purchases of renewable energy systems.

In keeping with its interest in renewable energy development, Inyo County joined a coalition of Nevada counties consisting of Nye, Esmeralda, Lincoln, and White Pine. The Coalition received a Brownfield grant from the EPA. The grant provides \$1,000,000 for assessment and redevelopment planning of brownfield sites in the Coalition counties, including sites for renewable energy development.

The County joined the Southwest Solar Transformation Initiative in 2012. This initiative is part of the Department of Energy's (DOE) Rooftop Solar Challenge and is designed to help local jurisdictions streamline and standardize permitting, zoning, metering, connection processes and improve finance options for residential and commercial rooftop solar systems.

As of July 2012, several solar and wind energy projects were currently in various stages of exploration and development within Inyo County including:

- Little Lake North and South meteorological towers to test for the viability of wind energy resources.
- Inyo County's rooftop solar project for County buildings.
- LADWP exploration of feasibility of solar development on Owens Lake.
- LADWP Southern Owens Valley Solar Ranch Project (this project is intended to help LADWP meet their RPS goals).
- BightSource Energy's Hidden Hills Concentrating Solar Power (CSP) Project.
- Death Valley National Park installed PV for use at all the park's facilities and was in the process of connecting to California's electric grid.
- Xanterra's Furnace Creek Resort located in Death Valley installed a PV system that provides the electricity for all of its facilities, including the historic Inn at Furnace Creek, the Ranch at Furnace Creek, Furnace Creek Golf Course, employee offices and housing.

Inyo County offers a variety of information on renewable energy development through the Inyo County Planning website. Inyo County's geography allows for excellent renewable resource potential and its history illustrates a consistent interest in its development. Elected officials and staff will remain open to opportunities to explore the County's renewable resources and will continue to find ways to encourage its development.

3.2.1 Utility Table

Table 31. Inyo County Load Serving Utility Information

Subject	Inyo
Load Serving Utility (1)	LADWP - Owens Valley
Allows Net-metering	Yes, for residential customers who apply for and participate in the Solar Incentive Program.
Purchases Renewable Energy	Yes, through FIT and large scale Power Purchase Agreements (PPAs).
Incentives for Renewable Energy	Solar Incentive Program participants receive an upfront, lump sum incentive payment.
Other Information	10MW FIT Program allows LADWP to purchase power produced by program participants. (FIT participants may not participate in Solar Incentive Program.)
Website	www.ladwp.com
Transmission Access	
Load Serving Utility (2)	SCE
Allows Net-metering	Yes, Net Energy Metering allows 10 kilowatts (kW) or small wind or solar systems.
Purchases Renewable Energy	Yes. SCE must comply with California's 33% RPS. Currently, the energy SCE delivers is 21.1% from renewable resources.
Incentives for Renewable Energy	Cash incentive from \$0.40 to \$4.60 per watt for qualifying electricity generating equipment under SCE's Self Generation Incentive Program.
Other information	SCE purchases mostly wind and geothermal but has small amounts of solar, small hydro, and biomass in its renewable portfolio.
Website	http://www.sce.com/
Transmission Access	

3.2.2 Resource Maps

Inyo County possesses excellent concentrating solar power and PV resources, both are among the highest in the nation. The County has addressed the need to develop renewable energy in their Renewable Energy General Plan Amendment, published in February 2014. The Plan identifies sites in Inyo County that should undergo further review due to their potential to be developed for renewable energy (Inyo County, California Planning).

Inyo County has already begun tapping their geothermal resources with the construction of the Coso Geothermal Field in 1984. Further geothermal leases are under review by the BLM with resources available along the eastern border of the County.

The potential for wind resources in Inyo County is being researched at several sites by energy developers. Wind resources are located along the larger mountain ranges in the County.

Biomass resources are located through the center of Inyo County. However, the County is not actively pursuing the use of biomass as an energy source at this time.

Transmission lines running through Inyo County are owned by SCE and LADWP, with lines running north to south. Currently no new lines are under construction. Land status throughout the County is a mix of federal and Indian, local and state, and private lands.

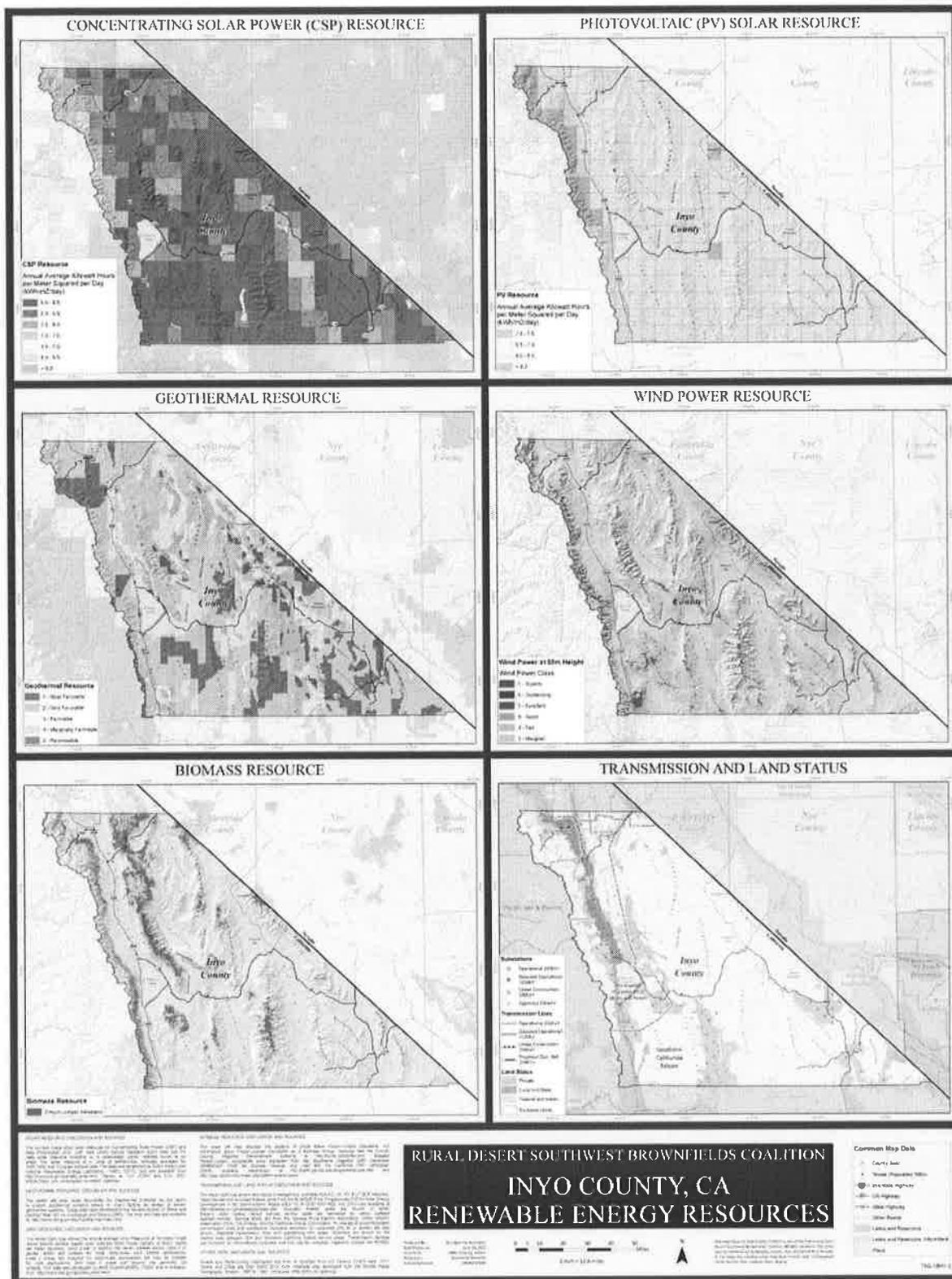


Figure 5. Inyo County, CA Renewable Energy Resources Poster

3.3 Brownfields Properties Assessed and Next Steps

PPG Industries Bartlett Plant (029-100-63): The site consists of 11 acres of predominantly vacant land. The site is located on the west bank of Owens Dry Lake, approximately ten miles south of Lone Pine, California. Originally, the site was used by PPG Industries Bartlett Plant (PPG) as a salt extraction facility until it ceased operation in 1958. Salts were extracted from water collected in Owens Lake and processed to form soda ash. EPA records list the PPG site as a Superfund site; however, preliminary assessments stated the PPG site did not qualify for Superfund status under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The site includes facilities from the former PPG salt extraction facility.

The RDSBC conducted Phase I and II site assessments, which uncovered contaminants above regulatory action levels and recommended remediation. The proposed next steps for the PPG Bartlett Industries Plan in order to pursue redevelopment for community and economic development purposes include:

- Prepare a site-specific cleanup and reuse plan.
- Evaluate use of California's Brownfields Revolving Loan Fund (RLF) or other financial mechanisms for remediation and redevelopment activities.
- Maintain coordination with the property owner, potential developers, and the California Department of Toxic Substances Control (DTSC).
- Utilize existing County planning documents to guide reuse and redevelopment initiatives.

Mt. Whitney Fish Hatchery (022-070-08-06): The 40 acre site was purchased by the citizens of Inyo County in 1915 and donated to the California Department of Fish and Game for the construction of the Mt. Whitney Fish Hatchery, which was completed in 1917. The site was scheduled for closure on June 30, 1996; however, due to local and statewide opposition, the California Department of Fish and Game recognized the need to preserve the hatchery. The Hatchery is no longer maintained by the California Department of Fish and Game and is under the stewardship of the Friends of Mt. Whitney Fish Hatchery. The site consists of the primary structure, nine small residences, and six commercial buildings.

A Phase I Environmental Site Assessment (ESA) was conducted, which recommended a limited asbestos survey and a Phase II assessment for petroleum hydrocarbons and metals in subsurface soils. A Sampling and Analysis Plan was prepared in order to move forward with subsequent assessment activities, but the project has been put on hold as the property owner and DTSC evaluate next steps.

The redevelopment vision for the Mt. Whitney Fish Hatchery is to preserve the historical significance of the hatchery facility and its place in the history of Inyo County and California and make the site a community event center for Owens Valley. Redevelopment goals also include use of the site for seasonal housing as well as commercial facilities. The goal is to provide the public with the historical significance of the hatchery, knowledge of the hatchery's function and an understanding of the property's distinctive natural resources.

The RDSBC recommends the following next steps to advance the redevelopment vision for the Mt. Whitney Fish Hatchery:

- Conduct a limited asbestos survey and a Phase II ESA.
- Prepare a site-specific cleanup and reuse plan.
- Evaluate use of California's Brownfields RLF or other financial mechanisms for remediation and redevelopment activities.
- Maintain coordination with the property owner, DTSC, California Department of Fish and Game, and other potential stakeholders.

- Utilize existing County planning documents to guide reuse and redevelopment initiatives.

3.4 Next Steps and Measures of Success

Inyo County has successfully assessed two sites, with one planned for Phase II assessment. Table 32 depicts the Measures of Success for Inyo County under the RDSBC grant award. These measures have been achieved through the investment of \$123,566.92 from the RDSBC award.

Table 32. Inyo County Measures of Success

Measures	FY2011 Actual
Site lists	2
Site eligibility forms completed (by parcel)	2
ACRES Forms (by parcel)	2
Phase I ESAs (by parcel)	2
Property Fact Sheets (by parcel)	2
Sampling and Analysis Plans (by parcel)	2
Phase II ESAs (by parcel)	1
Parcels not requiring cleanup activity	0
Proposed cleanup and redevelopment action (by parcel and acreage)	1 parcel, 99.95 acres
Cleanup activities underway (acres)	0
Cleanup activities complete (acres)	0
Clean-up/Reuse plans	1
Redevelopment activities (by parcel)	1
Area Wide Plan	1
Coalition/County Maps	1
Public Outreach Plan	1
Institutional Controls	1
Additional funding leveraged as of 1/22/14	0

Inyo County intends to continue collaborative efforts to identify and assess brownfields sites in the County and to promote the regional redevelopment concept promulgated by the RDSBC. Inyo County signed onto an application for additional funding to continue RDSBC program activities in the original five-county area and Mineral County, Nevada. Inyo County did not join the partnership to create an RLF for cleaning up brownfields in the RDSBC region because Inyo County has access to funding through the California RLF. Inyo County has been exploring the use of the RLF administered by the California DTSC for site cleanup activities. Inyo County is also interested in future initiatives to support workforce and economic development across the region.



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

25

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM:Public Works Department

FOR THE BOARD MEETING OF: August 19, 2014

SUBJECT: Contract to 1) update the Regional Transportation Plan, 2) create an Active Transportation Program plan, and for 3) other transportation planning services as needed.

DEPARTMENTAL RECOMMENDATION:

Approve the contract with LSC Transportation Consultants for the provision of transportation planning services for an amount not to exceed \$78,305 for the period from August 19, 2014 through April 30, 2015, and authorize the Chairperson to sign the contract, contingent upon obtaining the appropriate signatures.

CAO RECOMMENDATION:

SUMMARY DISCUSSION:

Inyo County Local Transportation Commission (ICLTC) is requesting that Inyo County enter into a contract with LSC Transportation Consultants to 1) update the Regional Transportation Plan (RTP), 2) create and Active Transportation Program (ATP) plan, and 3) for other transportation planning services. The public and stakeholder input for the first two projects will be combined.

A Request for Proposals was mailed out to interested parties, posted on the County website, and published in the Inyo Register. There were only two proposals submitted to complete this project. A project selection committee consisting of County, City of Bishop, and Caltrans District 9 staff reviewed, rated, and ranked the two proposals. All five evaluations ranked the LSC Transportation Consultants proposal most highly.

RTP Update

The ICLTC is required to adopt and submit an updated RTP to the California Department of Transportation (Caltrans) every five years. The RTP Update is intended to serve as a comprehensive planning tool directing the ICLTC's policies and actions, and providing a framework for the development of a coordinated and balanced regional transportation system. The RTP uses as a base those policies set forth in the Inyo County General Plan Circulation Element.

ATP Plan

As part of the Moving Ahead for Progress in the 21st century federal transportation reauthorization, multiple alternative transportation programs were merged under one funding program. The State of California adopted this program as part of the Active Transportation Program (ATP). The ATP plan for Inyo County and the City of Bishop will include:

1. Bicycle Element – this will be an update of the 2009 Inyo County Collaborative Bikeways Plan;
2. Pedestrian Element – this will describe existing facilities, examine past accident records, estimate the current number of pedestrians, list and prioritize potential projects, and identify funding sources;
3. Recreation Trails Element – this will identify areas where there are deficiencies in motorized and non-motorized recreational trails, list and prioritize potential projects, estimate the number of users

for a given trail segment, and describe how the projects provide for the viewing of points of interest; and

4. Safe Routes to School Element – this will create Safe Routes to Schools maps for all areas in Inyo County and update the Safe Routes to School maps for schools inside the City of Bishop.

General Transportation Planning Services

This task is not included in the initial contract. As requested, the consultant may provide transportation planning services to assist with general administration and operation of the ICLTC. Possible future tasks could include the completion of Project Initiation Documents or Project Study Reports, and the completion of grant applications on behalf of the County for programs such as the Active Transportation Program and the Highway Safety Improvement Program.

ALTERNATIVES:

The Board could choose not to approve the contract with LSC Transportation Consultants, in which case, the Public Works Department would have to re-advertise a Request for Proposals for qualified consultants to perform the transportation planning services. This is not advised because the preparation of the RTP and ATP plan would be delayed and additional work would be required for both County staff and consulting firms that may submit proposals to complete this project.

OTHER AGENCY INVOLVEMENT:

County Counsel, Auditor, and Risk Manager have reviewed and approved the proposed contract. The RTP and ATP plans are geared to comply with requirements set forth by Caltrans. Both plans will require coordination with the City of Bishop and the five Tribal Governments in Inyo County. The creation of the Safe Routes to School component of the ATP plan will require consultation with area schools.

FINANCING:

The FY 2014-2015 Public Works Department Requested Budget includes an adequate appropriation for the completion of the RTP update and the ATP plan per the LSC Transportation Consultants cost proposal for \$78,305. 504605-5265

<u>APPROVALS</u>	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by county counsel prior to submission to the board clerk.)  Approved: <u>yes</u> Date <u>8/8/2014</u>
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)  Approved: <u>yes</u> Date <u>8/12/2014</u>
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.) Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE:  Date: 8/12/14
 (Not to be signed until all approvals are received)

ATTACHMENT A

**AGREEMENT BETWEEN COUNTY OF INYO
AND LSC Transportation Consultants, Inc.
FOR THE PROVISION OF Independent Consulting SERVICES**

TERM:

FROM: August 19, 2014 **TO:** April 30, 2015

SCOPE OF WORK:

See attached.

METHODOLOGY AND SCOPE OF WORK

The LSC Team will work closely with Inyo County staff and will conduct all study efforts efficiently, in a timely manner and with careful consideration of federal, state and local requirements. Final products will be consistent with adopted City and County planning documents. Each invoice will be accompanied by a monthly progress report. We have found through experience in previous transit and transportation planning studies that this manner of approaching the proposed Work Program provides for a cost-effective use of resources as well as allowing the client staff to keep well apprised of our progress. The next section presents a detailed outline of our proposed Work Program.

WORK SCOPE

Under this proposal, the Study Team will work closely with local staff to complete the tasks necessary to complete the RTP to the satisfaction of the ICLTC. Our work scope will consist of the following tasks.

Regional Transportation Plan Update

As the Regional Transportation Planning Agency (RTPA) for the region, California law requires the Inyo County Local Transportation Commission (ICLTC) to adopt and submit an updated RTP to the California Transportation Commission (CTC) and to the California Department of Transportation (Caltrans) every five years. The main objective of a Regional Transportation Plan update is to develop a long-term plan for transportation facilities in Inyo County that is fiscally constrained, sustainable, and consistent with the goals and assumptions set forth in adopted and in-progress plans in the region. LSC has found that the study process is also a good opportunity to create a comprehensive transportation strategy for a region, based on discussions with community leaders and the public.

As illustrated in this proposal, LSC will work closely with ICLTC, the public, and other stakeholders to address these issues by determining Inyo County's regional transportation needs and updating capital improvement project lists to address those needs. The RTP update will be conducted in conformance with the latest edition of the RTP guidelines.

TASK 1: Existing Conditions Analysis

The first step in the RTP process will be to conduct an analysis of existing conditions. As this is an update to previous RTPs and as Inyo County has not grown significantly in population, it is anticipated that changes to existing conditions will be minimal.

Documentation of existing conditions will consist of the preparation of tables and graphics, with accompanying text regarding existing traffic counts, demographic conditions, transit service operations and ridership, airport activity, air quality planning, non-motorized facilities and other factors affecting the provision of transportation facilities and services. This section will also include a list of transportation capital improvement projects completed since the last RTP adoption. Existing plans and studies such as the Coordinated Human Services Transportation Plan, most recent Short Range Transit Plan, bikeway plans, safe routes to schools maps, airport plans and circulation elements of general plans will also be reviewed. Other transportation strategies such as Transportation Demand Management (TDM) and Intelligent Transportation Systems (ITS) will also be discussed.

As part of Task 1, the LSC Team will hold a "kick-off" meeting with ICLTC staff, county representatives, tribal representatives, and the Caltrans District 9 representative to gather data, discuss relevant changes in existing conditions, review regional goals and policies, and discuss data forecasts and plan assumptions.

This meeting could act as the kick-off meeting for both the RTP and the Active Transportation Program Plan.

TASK 2: Public Participation/Stakeholder Consultation Process

Per the 2010 RTP Guidelines, a strong consultation and coordination process is a key element in the development of an effective RTP. The public participation process will comply with previously adopted ICLTC Public Involvement Procedures. We will make documented outreach efforts to the following:

- ♦ We will contact Tribal Governments that have sacred lands in Inyo County to request input on the RTP process. LSC will continue to keep the tribal governments informed about various meetings and document availability throughout the RTP process.
- ♦ We will contact all adjacent county RTPAs, and request their input.
- ♦ We will consult with environmental resource agencies such as the US Forest Service and California Department of Fish and Game. Regional Transportation Plans and projects will be compared with adopted resource agency plans, maps and other data. The Great Basin Unified Air Pollution Control District will also be included in the planning process and the RTP will be consistent with transportation conformity measures set forth in applicable State Implementation Plans.
- ♦ We will contact major generators of goods movement in the county to obtain opinions on the regional transportation system.
- ♦ Other interested parties will be provided with an opportunity to comment on the Draft RTP. Interested parties may include:
 - Citizens
 - Affected public agencies
 - Public transportation employees
 - Providers of transportation
 - Public transportation users
 - Representatives of users of bicycle and pedestrian facilities
 - Representatives of people with disabilities
 - Representatives of low income residents
- ♦ Development and maintenance of a project website hosted on LSC's home page (lscstahoe.com). It will provide the ability to email LSC with comments or questions regarding the study or transportation issues in general. Project documents and public notices will be posted on the website.
- ♦ Coordinated with the Active Transportation Plan Community Involvement, LSC will conduct a series of public workshops as part of one onsite visit. Workshops will be held in both the northern and southern portion of the county. The objectives of the workshop will be to gain an understanding of what the public believes are major concerns or issues with respect to transportation and how the public envisions an ideal future for the Inyo roadway system, transit system, airports, bicycle, and pedestrian paths. We will conduct these workshops after the initial data collection is completed, which will help to kick-off the identification of transportation needs and issues portion of the RTP process.

Specifically, these workshops could include a formal meeting or a poster board session at a high traffic location describing the purpose of the plan and existing conditions. At the same time, participants will then be asked to identify existing transportation needs/issues in the region. In addition to gaining input from the public, these workshops/sessions will educate the public about challenges faced in funding and implementing transportation programs. LSC will work with ICLTC

staff to identify the best format for public input in the county along with effective means of noticing the workshop/poster board sessions.

- ◆ After completion of the Draft RTP and Negative Declaration, LSC will present the RTP at a regularly scheduled ICLTC meeting during a public hearing process. We will directly notify all stakeholders and persons who have expressed interest in the project of the public hearing.

All public participation/stakeholder input will be summarized in the RTP and copies of correspondence will be included as an appendix.

TASK 3: Future Conditions Analysis

As part of this task, the Study Team will project demographic and economic conditions over the 20-year planning period as a basis for the transportation needs assessment. This will include a review of local and state demographic forecasts. LSC will also prepare forecasts of traffic volumes and level of service, based on the following:

- ◆ Traffic trends over the last 10 and 20 years per Caltrans and Inyo County data
- ◆ Transportation Concept Reports
- ◆ Traffic impacts associated with individual development

The existing and future conditions analysis will be combined with input from the public/stakeholder outreach (Task 2) effort to develop the regional transportation needs and issues assessment for each transportation mode.

TASK 4: Policy Element

The Policy Element describes the transportation issues in the region, identifies and quantifies regional needs expressed within both a short- and long-range framework, and maintains internal consistency with the financial element fund estimates. As this document is an update to the 2010 RTP and there has not been significant changes in the county over the intervening years, it is not anticipated that the policy element will change significantly.

TASK 5: Action Element

The Action Element identifies plans to address the needs and issues for each transportation mode, in accordance with the goals, objectives, and policies set forth in the policy element. The future conditions analysis and public/stakeholder input will be considered to develop prioritized short-term and long-term projects and programs consistent with the identified needs and policies. Top priority projects along with cost estimates, implementing agency, and performance measures will be displayed in tables in Microsoft Excel for easy reference and use by decision-makers. The action element also includes a discussion of the following required RTP elements:

- ◆ Transportation safety & security
- ◆ Potential environmental mitigation areas and activities
- ◆ Performance measures including linking performance measures to each transportation improvement project

Although as a rural county Inyo County is not required to develop Sustainable Community Strategies, a qualitative analysis of the potential impacts of RTP projects on greenhouse gas emissions will be conducted, and a discussion will be included as to how RTP projects and policies can help attain

statewide GHG goals. This analysis will enhance the quality of information available to decision makers and assist with future policymaking.

TASK 6: Financial Element

The Financial Element identifies the current and anticipated revenue sources and financing techniques available to fund the planned transportation investments described in the action element. The intent is to define realistic inflation adjusted financing constraints and opportunities. The focus of the financial element will be to work closely with ICLTC to develop conservative and realistic estimates of all transportation funding sources to formulate a 10-year fiscally constrained project list. Financially unconstrained projects will also be listed.

TASK 7: Draft RTP and Environmental Documentation

All elements described above will be compiled into an Administrative Draft Plan for review and comment by ICLTC staff. Two hard copies and electronic files in both Microsoft Word and Adobe PDF format will be delivered.

Next, LSC will incorporate all comments to prepare the Public Draft RTP. This document will include and Executive Summary and the California Transportation Commission (CTC) RTP checklist. Thirteen hard copies and electronic files in both Microsoft Word and Adobe PDF format will be provided to ICLTC staff for review and distribution. The Public Draft RTP will be posted on the project website.

CEQA Documentation

It is the understanding of LSC that, given the very limited scope of new capacity increasing projects to be included in the RTP as well as the programmatic nature of the document, adoption of the 2015 RTP will not require an Environmental Impact Report (EIR). As part of this task, LSC will complete the CEQA Initial Study checklist to confirm that the RTP will not result in any significant environmental impacts. LSC will then prepare a Negative Declaration, while the ICLTC will be responsible for publicly noticing the Negative Declaration. If it were determined after the initial study process that an EIR is necessary, preparation of this document would be outside the scope of this proposal. The Negative Declaration report will include the following:

- ♦ Project description
- ♦ Project location
- ♦ Identification of project proponent
- ♦ Proposed finding of less than significant impact
- ♦ Attached copy of the California Environmental Quality Act (CEQA) Initial Study Checklist justifying the finding. The checklist will include the consideration of the environmental impact on Greenhouse Gas Emissions as suggested in the RTP Guidelines.

A minimum public review period of 30 days is required for a Negative Declaration unless the State Clearinghouse grants a “shortened review period” of 20 days and approved by Caltrans staff. LSC will mail 15 copies of the Negative Declaration directly to the State Clearinghouse for environmental review, while another five copies and an electronic file will be sent to ICLTC. Additionally, we will post both the Initial Study/Proposed Negative Declaration on LSC’s website for the duration of the public review period.

Presentation to ICLTC

LSC will present the Draft RTP and the Draft Negative Declaration to the ICLTC at a regularly scheduled meeting as part of a public hearing.

TASK 8: Prepare Final RTP and Negative Declaration

A Final RTP and Negative Declaration will be prepared incorporating public and Caltrans comments. Thirteen copies of each document will be provided, along with all electronic files on CD in both native formats and Adobe PDF. We expect that this document can be adopted by the ICLTC without the need for a presentation by LSC. Within five days of adoption of the RTP, LSC will assist the ICLTC with filing a Notice of Determination for approval with the State Clearinghouse and arrange for posting by the County Clerk.

Active Transportation Program Plan

It is becoming increasingly important for public health, environmental and financial reasons to build transportation infrastructure that encourages residents to use alternative transportation to the automobile. This includes bicycling or walking to work, school, errands, social engagements etc. Overall public health and childhood obesity could be improved if residents made smarter transportation choices. A reduction in automobile trips is also in line with statewide goals to reduce greenhouse gas emissions. In today's auto dominated society, walking and biking can be unsafe and is often perceived as the least attractive option. Mobility for members of disadvantaged communities, with no vehicle or only one vehicle available in their household, could also be improved if biking/walking were an easier choice. Therefore, the latest version of the federal transportation bill (MAP-21) includes an Active Transportation Program (ATP) grant program. Eligible projects for ATP funds include:

- ◆ Infrastructure Projects – Capital improvements that will increase the proportion of trips accomplished by biking and walking; increase safety and mobility of non-motorized users; achieve greenhouse gas reduction goals; enhance public health (including Safe Routes to Schools projects); ensure that disadvantaged communities benefit; provide a broad spectrum of projects to benefit many types of active transportation users.
- ◆ Non-Infrastructure Projects – Education, encouragement, enforcement and planning activities that further the above mentioned goals.

The ATP Guidelines state that project applicants may prepare an Active Transportation Plan. As part of this Work Scope, LSC will prepare an Active Transportation Plan which incorporates elements identified in the Guidelines and demonstrates need for Active Transportation projects. Specifically, the ATP will include the elements listed in the Tasks below. At the outset of this project, the Study Team will hold a kick-off meeting with ICLTC staff, Caltrans representatives, county representatives, tribal representatives and other stakeholders in conjunction with the RTP kick-off meeting discussed above.

TASK 1: Bicycle Element

In 2008, Inyo County adopted the *Inyo County Collaborative Bikeways Plan*. The primary objective of the plan was to make Inyo County eligible for the state Bicycle Transportation Account (BTA) grant funding which focused on improving safety and convenience for bicycling commuters. Many of the elements required to be addressed in an ATP have been discussed in the Bikeway Plan. As part of Task 1, the Project Team will update the existing Bikeways Plan to be consistent with ATP guidelines including

expanding the bikeways plan to address needs of all bicyclists: commuters, schoolchildren, and recreational riders. The study area of the plan will encompass Inyo County, City of Bishop and the Bishop Paiute Tribe. More specifically, the Study Team will:

- ◆ Using Census mode split data, update the estimated number of existing and future bicycle trips for all types of trips.
- ◆ Update the number of bicycle related collisions
- ◆ Update maps and descriptions of existing and proposed land use settlement
- ◆ Update the map and description of existing and proposed bikeways
- ◆ Update the map and description of existing and proposed end-of trip bicycle parking facilities including bicycle parking in public locations, private parking garages and parking lots and in new commercial and residential developments.
- ◆ Update the map and description of existing and proposed multi-modal facilities
- ◆ Include a description of proposed signage providing wayfinding along bicycle facilities
- ◆ Review and expand policies and procedures for the maintenance of existing and proposed bicycle facilities
- ◆ Review and update bicycle safety, education and encouragement programs
- ◆ Update the list of proposed bicycle facility projects
- ◆ Review previous expenditures on bicycle facilities and estimate potential revenue available for new projects.

TASK 2: Pedestrian Element

The Active Transportation Plan will include a chapter demonstrating the need for pedestrian facility projects in Inyo County and its communities, including the City of Bishop and tribal lands. This Chapter will consist of the following:

- ◆ Description and maps of existing pedestrian facilities including land use patterns such as schools, neighborhoods, and shopping centers.
- ◆ A discussion of past accidents and potential unsafe locations for pedestrians
- ◆ Using census data and previous studies, estimate the number of existing pedestrian trips in the area
- ◆ A list of existing and proposed multi modal facilities such as transit hubs
- ◆ Goals, policies, and objectives related to pedestrian transportation. This will be derived from existing goals in the County and City circulation elements.
- ◆ A list of proposed pedestrian facilities that will encourage active transportation and increase safety
- ◆ A discussion on pedestrian safety, education and encouragement programs
- ◆ Implementation plan including responsible agencies and potential funding sources

TASK 3: Recreational Trails Element

The Recreational Trails Program is funded through a set-aside from the MAP-21 Transportation Alternatives Program. Eligible projects include construction or rehabilitation of trails/trailhead facilities

for hiking, bicycling, in-line skating, equestrian use, cross-country skiing, snowmobiling, off-road motorcycling, all-terrain vehicle riding, four-wheel driving, or using other off-road motorized vehicles as well as easement acquisition and educational programs. In California, the program is administered through the State Department of Parks and Recreation.

The region's dramatic landscape and public lands attract a large number of recreational motorized vehicle enthusiasts as well as bicyclists, hikers and other non-motorized trail users. As part of this task, the Study Team will identify potential recreational trails projects in Inyo County, City of Bishop and on Tribal Lands that address the criterion in the Recreational Trails Procedural Guide.

- ◆ First, the Study Team will identify areas where there are deficiencies in both the motorized and non-motorized recreational trail system. Examples of deficiencies include a lack of connectivity to established regional trail networks, no existing trails, lack of trail linkage to homes, schools, campgrounds, scenic corridors etc. or areas where trails could be relocated or reconstructed to enhance usage or reduce environmental impacts.
- ◆ Solutions to these deficiencies, or potential projects, will be described in both text narrative and listed in a series of tables organized by implementing agency and priority.
- ◆ Next, the Study Team will estimate the number of users that will be generated by the projects. This will be accomplished by reviewing Census data, any available survey data and usage data from similar facilities in other regions.
- ◆ This chapter will also describe how each project will provide trail access for persons with disabilities and how projects comply with Federal Access Board Guidelines.
- ◆ The Study Team will also include a description of the ease of access to the new or renovated trail facilities. Examples of access are public transit, parking, or other staging areas.
- ◆ A description of how the project will provide for viewing of points of interest and/or provide interpretive signage for natural, historical, or cultural sites will be included.
- ◆ Sustainable design is an important element of recreational trail design. A section of this task will generally outline trail building techniques used to minimize impacts to natural resources and reduce the need for recurring maintenance. Specific engineering designs will not be provided but rather a qualitative overview of best practices.
- ◆ As part of this task, the Study Team will highlight projects which will encourage use by diversified users such as pedestrians, bicyclists, and equestrians.
- ◆ Lastly, the Study Team will describe how the proposed projects are consistent with other adopted plans such as the California Outdoor Recreation Plan, local general plans and tribal plans.
- ◆ Public and stakeholder outreach is crucial to any trails project. Community and stakeholder involvement for all elements of the ATP is detailed in Task 5.

TASK 4: Safe Routes to Schools Element

Funding from the Active Transportation Program can be used for projects that provide safe routes to schools. The State of California also has a separate grant program for this purpose. Currently, only the City of Bishop has identified potential safe routes to schools projects through three separate maps. As part

of this task, the Study Team will develop Safe Routes to Schools maps for all areas of Inyo County. Specifically, this will include contacting all public schools in Inyo County and on tribal land to discuss streets and bikeways most commonly used by students to access school. The discussion will focus on which routes are considered the least safe and why. Accident data will be reviewed and summarized, as well as traffic volumes on major roadways (as available). After review of all the data, maps will be prepared in Geographic Information Systems (GIS) and PDF format displaying routes to each school and prioritizing each route by needed improvements to increase safety. A brief discussion of each map will be included in text format, outlining the needed improvements, such as crosswalks, bicycle lanes, etc. Proposed projects will also be displayed in a series of tables along with general ballpark cost estimates.

TASK 5: Community and Stakeholder Involvement

Community Involvement - As part of this task, the Study Team will conduct outreach to the general public, particularly those living in disadvantaged communities or communities underserved by transportation. In an attempt to avoid overwhelming the community with public meetings and hearings, the Study Team proposes to coordinate public workshops and community input for the bicycling element, pedestrian element, recreational trails element, and safe routes to schools element with RTP workshops (discussed above). We propose to hold one series of public workshops/public input formats prior to the development of a draft report. Workshops will be held in both the northern and southern portion of the county. In addition to traditional advertisements in community newspapers, the Study Team will directly contact bicycle advocacy groups, Parent-Teacher Associations, and recreational groups to invite them to public workshops. The Study Team also proposes to create a project website, which could be hosted on the LSC website and include relevant documents, important dates, and contact information for the project manager. Comment cards could also be developed, posted on the website and distributed to community groups and at the public workshops.

We will make a concerted effort to include members of disadvantaged groups in community input. This will be accomplished by working closely with the County Health and Human Services Department, tribal entities, and advocacy groups such as Eastern Sierra Disabled Sports and Inyo Mono Association for the Handicapped.

Stakeholder Involvement – The Study Team will work with ICLTC staff to determine other stakeholders such as representatives of public, neighboring jurisdictions and natural resource agencies that should provide input on the plan. The Study Team will contact the stakeholders directly and ensure that the ATP is consistent with adopted agency documents.

The Study Team will maintain a log of all public comment. A summary of public and stakeholder input will be included as an appendix to the ATP.

TASK 6: Draft Plan

As each ATP Plan Element is completed, it will be sent to ICLTC staff for review as an Administrative Draft in Microsoft Word and Adobe PDF format. Two hard copies of each element will be provided along with electronic files. The last phase of the project will be to develop an implementation plan. This will consist of a general outline of responsibilities such as grant application deadlines and reporting requirements of various agencies for each element of the ATP.

After review and comment on all elements by ICLTC staff, ATP elements will be combined into a Public Draft report. Thirteen hard copies will be provided to ICLTC staff along with electronic files in Microsoft Word and Adobe PDF format.

CEQA Documentation

As with the RTP, it is assumed that this programmatic document will not require an Environmental Impact Report (EIR). As such, LSC will complete the CEQA Initial Study checklist and resulting Negative Declaration. If it is determined that an EIR is required, it would be out of the scope of this project.

Draft Presentation

The Study Team will travel to Bishop to present the Draft ATP and RTP to the ICLTC at a public hearing. The Study Team will work with ICLTC staff to properly notice the public hearing.

TASK 7: Final Plan

After review and comment by ICLTC, the community and other stakeholders, a Final ATP and Negative Declaration will be prepared. Thirteen hard copies and all electronic files in native format along with one Adobe PDF will be provided.

General Transportation Planning Services

As part of this task, the Project Team will be available to assist ICLTC with general transportation planning services, upon request.

Representative projects could be Project Initiation Documents, Project Study Reports and various grant applications including but not limited to Active Transportation Program and Highway Safety Improvement Program. The subconsultant on the Project Team would be the Project Manager for this portion of the work scope with assistance as needed from LSC staff. As demonstrated in the Specialty Consultant Section, Matthew C. Boyer and Associates has worked for and with RTPAs since 1989 for various types of transportation planning services including the following.

- ◆ Preparation of RTPs, Transportation Improvement Programs, Overall Work Programs, non-motorized transportation plans, and corridor studies.
- ◆ Development of project delivery and project financing strategies.
- ◆ Preparation of discretionary grant applications.
- ◆ Project management of capital projects during planning, environmental, and design phases.
- ◆ Construction management and owners representative during construction.
- ◆ Project Manager for agency-delivered and agency oversight projects, including fifteen miles of widening along the U.S. Highway 50 corridor, the five-phase, 4.3 acre Sutter Hill Transit Center.
- ◆ Policy conferences, board facilitation, and executive coaching.

The total cost of each transportation planning service request will be dependent upon the number of hours required. Standard billing rates are listed in the Price Proposal Section.

PROJECT SCHEDULE

We are prepared to begin this study immediately upon approval and the signing of a contract. A draft schedule is presented in Table 2, which accounts for 30-day environmental review periods for the Negative Declarations:

- ♦ Kick-off meeting – End of September 2014
- ♦ Public Workshops for both RTP and ATP efforts – Early November 2014
- ♦ Completion Administrative Draft RTP – Early January, 2015
- ♦ Completion of Draft RTP and Initial Study/Proposed Negative Declaration – Mid January 2015
- ♦ Completion of Administrative Draft ATP – Early to Mid-February 2015
- ♦ Completion of Draft ATP – Mid February 2015
- ♦ Presentation of Draft RTP, ATP, and Environmental Documents– Mid March 2015
- ♦ Completion of Final RTP, ATP and Environmental Documents– March 31, 2015

While this schedule requires that several tasks be conducted simultaneously, we believe that it provides adequate time to conduct all tasks, and environmental and public input processes. This schedule assumes that County and ICLTC staff can provide data and review interim draft documents in a timely manner.

		Week Number and Month																																			
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28								
Phase		September				October				November				December				January				February				March											
<u>Regional Transportation Plan</u>																																					
Task 1: Existing Conditions Analysis		■																																			
Task 2: Public Participation		■																																			
Task 3: Future Conditions Analysis		■																																			
Task 4: Policy Element		■																																			
Task 5: Action Element						■																															
Task 6: Financial Element										■																											
Task 7: Draft RTP and Environmental Document														■																							
Task 8: Final RTP																						■															
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Task 3: Recreational Trails Element																		■																			
Task 4: Safe Routes to Schools Element						■																															
Task 5: Community and Stakeholder Involvement		■																																			
Task 7: Draft Plan and Environmental Document																		■																			
Task 8: Final Plan																						■															
Deliverable																		A		P		A		■		■											
Public Workshops/Sessions		KO																																			
Presentation																										■											
Note:		KO = Kick-off A = Administrative Draft RTP, P = Public Draft and Environmental Document, F = Final RTP and Environmental Document																																			

ATTACHMENT B

**AGREEMENT BETWEEN COUNTY OF INYO
AND LSC Transportation Consultants, Inc.
FOR THE PROVISION OF Independent Consulting SERVICES**

TERM:

FROM: August 19, 2014

TO: April 30, 2015

SCHEDULE OF FEES:

See attached.

Section 3
PRICE PROPOSAL

PROJECT COSTS

As presented in Table 1, costs for the base scope of work discussed in Section 6 have been estimated at \$78,305. Of this total, \$37,540 is allotted for update of the Regional Transportation Plan and \$39,765 for the Active Transportation Program Plan. An additional \$1,000 will be required for travel, copy, phone, delivery costs. The following lists standard billing rates for the LSC Tahoe office, if extra work beyond this work scope is required. The standard billing rates for Subconsultant, Matt Boyer and Associates, is \$135 per hour, of which \$35 per hour is considered administrative overhead. LSC would be happy to work with ICLTC as needed to refine the work scope and associated costs. This cost estimate is firm for 90 days from the date of this proposal.

LSC TAHOE STANDARD BILLING RATES

LABOR	RATE
Principals	\$190/hour
Associates	\$140/hour
Senior Engineers	\$120/hour
Senior Planners	\$100/hour
Project Engineers	\$95/hour
Project Planners	\$95/hour
Engineers	\$95/hour
Planners	\$95/hour
Graphic Technicians	\$65/hour
Administrative Assistants	\$60/hour
Traffic Count Technicians	\$40/hour

SPECIALIZED EQUIPMENT

Turning-Movement Traffic Keyboard	\$3/hour
Automatic Traffic Counter	\$25/day
Auto	\$0.58/mile
Photocopies	\$0.10/copy
Color Copies	\$0.15/copy

OUTSIDE CONSULTANTS, SUB-CONTRACTORS AND CONTRACT LABOR

Billed at our cost + 10 percent.

OTHER DIRECT PROJECT EXPENSES such as Airfare, Lodging, Meals, Car Rental, Telephone, Postage, Parking Fees, Printing, Graphics, Delivery Charges, etc., are billed at our cost.

ATTACHMENT C

AGREEMENT BETWEEN COUNTY OF INYO
AND LSC Transportation Consultants
FOR THE PROVISION OF Independent Consulting **SERVICES**

TERM:

FROM: August 19, 2014

TO: April 30, 2015

SCHEDULE OF TRAVEL AND PER DIEM PAYMENT:

Not applicable.

ATTACHMENT E - Not Applicable to this Contract

AGREEMENT BETWEEN COUNTY OF INYO
AND LSC Transportation Consultants, Inc.
FOR THE PROVISION OF Independent Consulting SERVICES

TERM:

FROM: August 19, 2014

TO: April 30, 2015

FEDERAL FUNDS ADDENDUM

1. Section 12, Part B, *Inspections and Audits*, of the contract is amended to read:

"Any authorized representative of the County, or of a *federal, or state agency* shall have access to any books, documents, papers, records, including, but not limited to, financial records of the Consultant, which the County or *federal or state agency* determines to be pertinent to this Agreement, for the purposes of making audit, evaluation, examination, excerpts, and transcripts during the period such records are to be maintained by Consultant. Further, the County or *federal or state agency* has the right, at all reasonable times, to audit, inspect, or otherwise evaluate the work performed or being performed under this Agreement. Copies of any of these records shall be furnished, if requested."
2. **Covenant Against Contingent Fees.** The Consultant warrants that he/she has not employed or retained any company or person, other than a bona fide employee working for the consultant, to solicit or secure this agreement, and that he/she has not paid or agreed to pay any company or person other than a bona fide employee, any fee, commission, percentage, brokerage fee, gift, or any other consideration, contingent upon or resulting from the award, or formation of this agreement. For breach or violation of this warranty, the local agency shall have the right to annul this agreement without liability, or at its discretion; to deduct from the agreement price or consideration, or otherwise recover the full amount of such fee, commission, percentage, brokerage fee, gift, or contingent fee.
3. **Delays and Extensions.** The term of the contract may be extended in the case of unavoidable delays, changes in the scope of work or level of effort required to meet the project objectives, and for consideration of corresponding warranted adjustments in payment. An extension of contract time is granted as described in Section 23, *Amendment*, of the contract.
4. **Termination or Abandonment.** The provisions of Section 15, *Default*, will also apply if the contract is terminated because of circumstances beyond the control of the consultant. The provisions of the section entitled "**County Property**" Section 7.B., shall apply to any partially completed work if the contract is terminated or abandoned.
5. **General Compliance with Laws and Wage Rates.** The consultant shall comply with the State of California's General Prevailing Wage Rate requirements in accordance with California Labor Code, Section 177, and all federal, state, and local laws and ordinances applicable to the work.

Any subcontract entered into as a result of this contract if for more than \$25,000 for public works construction or more than \$15,000 for the alteration, demolition, repair, or maintenance of public works, shall contain all of the provisions of this Article.

ATTACHMENT E - Continued

AGREEMENT BETWEEN COUNTY OF INYO
AND _____
FOR THE PROVISION OF _____ SERVICES

TERM:

FROM: _____ TO: _____

FEDERAL FUNDS ADDENDUM

6. **Contractor's Endorsement on PS&E/Other Data.** The consultant's responsible engineer shall sign all plans, specifications, estimates (PS&E) and engineering data furnished by him/her, and where appropriate, indicate his/her California registration number.
7. **Disadvantaged Business Enterprise Considerations.** Consultants must give consideration to DBE firms as specified in 23 CFR 172.5(b), 49 CFR, Part 26. The contractor shall comply with the applicable provisions of Exhibit 10-I, "Notice to Proposers Disadvantaged Business Enterprise Information," and Exhibit 10-J, "Standard Agreement for Subcontractor/DBE Participation," that were included in the Request for Statements of Qualifications,
8. **Safety.** The consultant shall comply with OSHA regulations applicable to the contractor regarding necessary safety equipment or procedures. The Consultant shall comply with safety instructions issued by the county's project manager and other county representatives. Consultant personnel shall wear hard hats and safety vests at all time when working on the construction project site.

Pursuant to the authority contained in Section 591 of the Vehicle Code, the county has determined that such areas are within the limits of the project and are open to public traffic. The Consultant shall comply with all of the requirements set forth in Divisions 11, 12, 13, 14, and 15 of the Vehicle Code. The consultant shall take all reasonably necessary precautions for safe operation of its vehicles and the protection of the traveling public from injury and damage from such vehicles.

Any subcontract entered into as a result of this contract shall contain all of the provisions of the Article.

9. **Certifications.** Exhibits 10-F "Certification of Consultant, Commissions & Fees" and 10-G, "Certification of Agency" are included as attachments to the contract and made a part of.



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

26

- Consent
 Departmental
 Correspondence Action
 Public Hearing
 Scheduled Time for
 Closed Session
 Informational

FROM: Water Department/County Administrator

FOR THE BOARD MEETING OF: August 19, 2014

SUBJECT: Consideration of Request from Authors of State Groundwater Legislation for County to Support AB 1739 and SB 1168

DEPARTMENTAL RECOMMENDATION: - Request Board A) discuss and, as appropriate, take action on a possible County position regarding support for the State Groundwater Legislation in context to the provisions of the Long Term Water Agreement (LTWA) including any request from the City of Los Angeles to be able to support the legislation; and B) depending upon the Board's position and the information provided by the City of Los Angeles Department of Water and Power concerning support of such legislation, as provided for in the LTWA, consider correspondence supporting the State's groundwater legislation, and authorize the Chairperson to sign.

SUMMARY DISCUSSION: AB 1739 (Dickinson) and SB 1168 (Pavley) are being considered by the Legislature. These bills would establish the Sustainable Groundwater Management Act. A copy of a summary of the bills is attached. Also attached is a complete copy of AB 1739. (AB 1739 is as amended through August 7, 2014 and does not include the amendment agreed upon by the City and County on August 13, 2014). The County of Inyo and the City of Los Angeles Department of Water and Power have been requested by the authors to support these bills. It is recommended that the Board consider support of these bills. A draft letter of support is attached.

The City of Los Angeles and the County have worked with staff from the Legislature on an amendment to the bills which would provide that the provisions of the legislation would not be applicable to groundwater pumping managed pursuant to the Long Term Water Agreement. The authors of the two bills have agreed to the amendment. A copy of the amendment is attached. The Legislative Coordination provisions of the Long Term Water Agreement preclude either party from taking a support position on the proposed legislation without the other's approval of that support. County staff has requested the City of Los Angeles to inform the County of whether the City has concerns with the County supporting the legislation. It is hoped that there will be a response from the City before this item is considered on Tuesday.

ALTERNATIVES: N/A

OTHER AGENCY INVOLVEMENT: - City of Los Angeles, City of Los Angeles Department of Water and Power and the California State Legislature.

FINANCING: There is no fiscal impact associated with responding to the request.

APPROVALS

COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the Assistant Clerk of the Board.)</i> Approved: _____ Date _____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the Assistant Clerk of the Board.)</i> Approved: _____ Date _____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the Assistant Clerk of the Board.)</i> Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)

(The Original plus 20 copies of this document are required)

Date: _____

Assemblymember Roger Dickinson
State Capitol, Room 2013
Sacramento, CA. 95814

Senator Fran Pavley
State Capitol, Room 4035
Sacramento, CA 95814-4900

Subject: County of Inyo's Support for AB 1739 and SB 1168

Dear Assemblymember Dickinson and Senator Pavley:

It is with pleasure that I inform you that on Tuesday, August 19, 2014, the Inyo County Board of Supervisor voted to support AB 1739 and SB 1168.

On behalf of the Board of Supervisors, I want to thank both of you and your staff members for working with the County of Inyo and the City of Los Angeles to resolve concerns with the legislation.

Very truly yours,

Rick Pucci
Chair, Inyo County Board of Supervisors

cc: Les Spahn
Legislative Director
Assemblymember Roger Dickinson

Dennis E. O'Connor, Principal Consultant
Senate Committee on Natural Resources & Water
State Capitol, Room 4035
Sacramento, CA 95814

Cecilia Cabello
Deputy Director | External Affairs
Office of LA Mayor Eric Garcetti
200 N. Spring St.
Los Angeles, CA 90012

SUMMARY OF SB 1168 (PAVLEY) & AB 1739 (DICKINSON)

THESE BILLS WOULD:

Establish the Sustainable Groundwater Management Act:

- Applies to groundwater basins.
- Applies to the United States & an Indian tribe to the extent authorized under federal or tribal law.

The Act does not apply to:

- Adjudicated basins, except for the provision of the judgment or judicial order & annual reporting of groundwater use.
- Low & very low priority basins, though such basins are encouraged to adopt groundwater sustainability plans.

Timetable:

- By January 1, 2017:
 - Local agencies must identify whether they elect to be, or to form, a groundwater sustainability agency. There can be more than one groundwater sustainability agency for a basin.
 - The entire basin must be covered by one or more groundwater sustainability agencies; i.e. no “unmanaged areas.”
 - Counties are presumed to be the default groundwater sustainability agency if no other local agency identifies itself as such; counties may elect, or decline, to undertake the role.
 - If there is more than one groundwater sustainability agency for a basin, the agencies must coordinate their planning.
- By January 1, 2020:
 - Each high & medium priority basin must be covered by an adopted groundwater sustainability plan.
 - If there is more than one adopted groundwater sustainability plan for a basin, the plans must use common data & demonstrate how they are coordinated with each other to achieve the basin objectives.
- Annually, upon adoption of a groundwater sustainability plan:
 - Each groundwater sustainability agency would report to DWR groundwater data, including elevation, aggregate extraction, water usage & change in groundwater storage. ***Note: additional refinements will be made in the bill to address reporting requirements.***
- Every 5 years after 2020:
 - Each groundwater sustainability agency and each local agency with a functional equivalent would recertify it is making progress towards achieving groundwater sustainability.
- By January 1, 2040:
 - Each high & medium priority basin shall achieve its sustainability goals.
 - DWR may grant an extension of up to 10 years upon a showing of good cause.

The groundwater sustainability agency shall:

- Consider the interests of all beneficial uses & users of groundwater, as well as those responsible for implementing groundwater sustainability plans. These interests include, but are not limited to, all of the following:
 - Holders of overlying groundwater rights, including Agricultural & domestic well owners.
 - Municipal well operators.
 - Public water systems.
 - Local land use planning agencies.
 - Environmental users of groundwater.
 - Surface water users, if there is a hydrologic connection between surface & groundwater bodies.
 - The federal government, including, but not limited to, the military & managers of federal lands.
 - Indian tribes.
- Establish & maintain a list of persons interested in receiving notices regarding plan preparation, meeting announcements, & availability of draft plans, maps, & other relevant documents.
- Inform the department of its election or formation & its intent to undertake sustainable groundwater management within 30 days of its election or formation.
- Be presumed to be the County for any area within a basin that is not within the management area of an existing groundwater sustainability agency; counties may elect, or decline, to undertake the role.

Agency powers & authorities:

- In addition to any other powers & authorities an agency may have, upon becoming an groundwater sustainability agency, the agency would be authorized to do the following:
 - To prepare & adopt a groundwater sustainability plan.
 - Adopt rules, regulations, ordinances, & resolutions.
 - To propose & update fees.
 - To monitor compliance & enforcement.
 - To require registration of groundwater extraction facilities.
 - To require every groundwater extraction facility be measured.
 - To appropriate & acquire surface water or groundwater & surface water or groundwater rights, import surface water or groundwater into the agency, & conserve & store that water within or outside the agency.
 - To transport, reclaim, purify, desalinate, treat, or otherwise manage & control polluted water, wastewater, or other waters for subsequent use.
 - File an action to determine the validity of the groundwater sustainability plan.
- This Act does not grant new authorities to groundwater sustainability agencies to do any of the following:
 - Issue permits for the construction, modification, or abandonment of groundwater wells
 - However, a county may authorize a groundwater sustainability agency to issue permits for the construction, modification, or abandonment of groundwater wells.

Contents of the plans:

- A groundwater sustainability plan must include:
 - A planning & implementation horizon of at least 50 years.
 - Measurable objectives, as well as interim milestones in increments of five years, to achieve the sustainability goal in the basin within 20 years of implementing the plan.
 - A description of the physical setting & characteristics of the aquifer system underlying the basin.
 - A description of how the plan helps meet each objective & how each objective is intended to achieve the sustainability goal for the basin for long-term beneficial uses of groundwater.
 - Components relating to the monitoring & management of groundwater levels, groundwater quality degradation, inelastic land surface subsidence, & changes in surface flow & surface water quality that directly affect groundwater levels or quality or are caused by groundwater pumping in the basin.
 - Mitigation of overdraft.
- A groundwater sustainability plan may when appropriate & in collaboration with the appropriate local agencies include any of the following:
 - Control of saline water intrusion.
 - Wellhead protection areas & recharge areas.
 - Migration of contaminated groundwater.
 - A well abandonment & well destruction program.
 - Replenishment of groundwater extractions.
 - Activities implementing, opportunities for, & impediments to, conjunctive use.
 - Well construction policies.
 - Measures addressing groundwater contamination cleanup, recharge, diversions to storage, conservation, water recycling, conveyance, & extraction projects.
 - Efficient water management practices.
 - Efforts to develop relationships with state & federal regulatory agencies.
 - Processes to review land use plans & efforts to coordinate with land use planning agencies to assess activities that potentially create risks to groundwater quality or quantity.

Functional equivalence:

- Local agencies in high and medium priority groundwater basins that demonstrate that current management or operations activities have been consistent with the sustainable yield of the basin over a period of at least 10 years will be in compliance with the plan requirements. ***Note: additional refinements will be made in the bill to address functional equivalency.***

Coordination of multiple plans for a basin:

- If multiple groundwater sustainability agencies cover a basin, there must be a coordination agreement that covers the entire basin & ensures that the plans utilize the same data for the following assumptions in developing the plan:
 - Groundwater elevation data.
 - Groundwater extraction data.
 - Surface water supply.
 - Total water use.
 - Change in groundwater storage.

- Water budget.
- Sustainable yield.

DWR Review *Note: additional refinements will be made in the bill to clarify this process:*

- By June 1, 2016, DWRs shall develop guidelines for evaluating groundwater sustainability plans & groundwater sustainability programs.
- The guidelines shall identify the necessary plan components & other information that will assist local agencies in developing & implementing groundwater sustainability plans & groundwater sustainability programs.
- Upon completion of a groundwater sustainability plan, a groundwater sustainability agency shall submit the groundwater sustainability plan to DWR for review.
- DWR shall evaluate the groundwater sustainability plan within two years of its submission by a groundwater sustainability agency & issue an assessment of the plan. The assessment may include recommended corrective actions to address any deficiencies identified by DWR.
- At least every five years after submission, DWR, in consultation with the board, shall review the basin conditions and the progress in implementing a groundwater sustainability plan, or a plan or program deemed to be a functional equivalent for consistency with this part, including achieving the sustainability goal.
- DWR shall adopt a schedule of fees to recover costs incurred in carrying out this chapter.

State Intervention *Note: additional refinements will be made in the bill to clarify this process:*

- General provisions:
 - Intervention is not mandatory; the state water board always may exercise discretion.
 - The board has discretion to apply pressure incrementally.
 - 2- & 5-year safe havens for governance & plans, respectively.
- The four conditions that would allow state intervention:
 1. When local authorities fail to have subbasin-wide governance in 2 years.
 2. When local authorities fail to adopt a subbasin-wide plan in 5 years.
 3. When DWR determines that a plan is inadequate & the board determines that the basin is in a state of long-term overdraft or has significant depletions of interconnected surface water.
 4. When DWR determines that implementation is inadequate & the board determines that the basin is in a state of long-term overdraft or has significant depletions of interconnected surface water.
- The board will consult with DWR in assessing overdraft or surface water depletions.
- Long term overdraft is defined so that drought won't trigger intervention.
- Process:
 - If any of the four above conditions apply, the board may designate a basin as a probationary basin:
 - The board is required to identify specific deficiencies.
 - Deficiencies are limited to overdraft or surface water problems – not other problems with plans.
 - Designation triggers a 180-day cure period. During the cure period, the board may appoint a mediator to assist local agencies. The board may require extractors to report extractions.

- If the local agency does not cure the deficiency, the state water board may proceed with an interim plan:
 - The interim plan would address the deficiencies identified in the probation designation & are thus limited to overdraft & surface water issues, not other problems.
 - The board may tailor remedies within a subbasin by relying on local groundwater sustainability plans that are working well & focusing on problem areas.
 - The board may stay action or rescind its interim plan if local agencies are making good progress on a groundwater sustainability plan or an adjudication, even if the progress or adjudication is incomplete.
- If it limits extractions, the board must follow water right priorities to the extent feasible.
- The board may impose fees on extractors to pay its costs.

These bills would also:

- Establish that it is the policy of the state that groundwater resources be managed sustainably for long term water supply reliability & multiple economic, social, or environmental benefits for current & future beneficial uses.
- Require a city or county planning agency, before adopting or substantially amending a general plan, to review & consider groundwater sustainability plans.
- DWR may provide technical assistance to any groundwater sustainability agency in response to that agency's request for assistance in the development & implementation of a groundwater sustainability plan. DWR shall use its best efforts to provide the requested assistance.
- A basin's boundaries are those identified in Bulletin 118 unless other basin boundaries are established pursuant to this Act:
 - A local agency may request DWR to revise the boundaries of a basin, including the establishment of new subbasins.
 - A local agency's request shall be supported by information demonstrating that the proposed adjusted basin can be the subject of sustainable groundwater management; technical information regarding the boundaries of, & conditions in, the proposed adjusted basin; & information demonstrating that the entity proposing the basin boundary adjustment consulted with interested local agencies & public water systems in the affected basins before filing the proposal with the department
- DWR shall prioritize basins & subbasins as provided in CASGEM (California State Groundwater Elevation Monitoring).
- DWR, in consultation with California Department of Fish & Wildlife, shall identify & develop criteria to identify groundwater basins & subbasins that should be prioritized based on adverse impacts to habitat & surface water resources. The criteria shall be incorporated into the determination of basin & subbasin prioritization at the department's next update of basin & subbasin prioritizations that occurs after January 1, 2017.
- Nothing in the bill prevents a legal action to adjudicate water rights.

Language agreed upon by the City of Los Angeles and the County is underlined.

10720.9. (a) Except as provided subdivision (d), this part does not apply to the following adjudicated areas or a local agency that conforms to the requirements of an adjudication of water rights, for one of the following adjudicated areas:

(1) Beaumont Basin.

(2) Brite Basin.

(3) Central Basin.

[other adjudicated basins and areas]

(20) Upper Los Angeles River Area.

(21) Warren Valley Basin.

(22) West Coast Basin.

(23) Western San Bernardino.

(b) The Antelope Valley basin at issue in the Antelope Valley Groundwater Cases (Judicial Council Coordination Proceeding Number 4408) shall be treated as an adjudicated basin pursuant to this section if the superior court issues a final judgment, order, or Number 4408) shall be treated as an adjudicated basin pursuant to this section if the superior court issues a final judgment, order, or decree.

(c) Any groundwater basin or portion of a groundwater basin in Inyo County managed pursuant to the terms of the stipulated judgment in City of Los Angeles v. Board of Supervisors of the County of Inyo, et al. (Inyo County Case No. 12908) shall be treated as an adjudicated area pursuant to this section.

(d) If an adjudication action has determined the rights to extract groundwater for only a portion of a basin, subdivisions (a), (b) and (c) apply only within the area for which the adjudication action has determined those rights.

(e) The watermaster or a local agency within a basin identified in subdivision (a) shall do all of the following:

(1) By January 1, 2016, submit to the department a copy of a governing final judgment, or other judicial order or decree, and any amendments entered before January 1, 2016.

(2) Within 90 days of entry by a court, submit to the department a copy of any amendment made and entered by the court to the governing final judgment or other judicial order or decree on or after January 1, 2016.

(3) By January 1, 2016, and annually each year thereafter, submit to the department a report containing the following information for the portion of the basin subject to the adjudication:

(A) Groundwater elevation data.

(B) Annual aggregated data identifying groundwater extraction for the preceding water year.

(C) Surface water supply used for or available for use for groundwater recharge or in-lieu use.

(D) Total water use.

(E) Change in groundwater storage.

AMENDED IN SENATE AUGUST 7, 2014

AMENDED IN SENATE AUGUST 4, 2014

AMENDED IN SENATE JUNE 17, 2014

AMENDED IN ASSEMBLY APRIL 22, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1739

Introduced by Assembly Member Dickinson
(Principal coauthor: Senator Pavley)
(Coauthor: Assembly Member Rendon)

February 14, 2014

An act to amend Sections 65352 and 65352.5 of, and to add Section 65350.5 to, the Government Code, and to amend Sections 348, 1120, 1552, 1831, 10927, 10933, and 12924 of, to add Sections 113, 1529.5, and 10750.1 to, to add Part 5.2 (commencing with Section 5200) to Division 2 of, and to add Part 2.74 (commencing with Section 10720) to Division 6 of, the Water Code, relating to groundwater.

LEGISLATIVE COUNSEL'S DIGEST

AB 1739, as amended, Dickinson. Groundwater management.

(1) The California Constitution requires the reasonable and beneficial use of water. Existing law establishes various state water policies, including the policy that the people of the state have a paramount interest in the use of all the water of the state and that the state is required to determine what water of the state, surface and underground, can be converted to public use or be controlled for public protection.

This bill would state the policy of the state that groundwater resources be managed sustainably for long-term ~~water supply~~ reliability and

multiple economic, social, ~~or~~ *and* environmental benefits for current and future beneficial uses. This bill would state that sustainable groundwater management is best achieved locally through the development, implementation, and updating of plans and programs based on the best available science.

(2) Existing law requires the Department of Water Resources, in conjunction with other public agencies, to conduct an investigation of the state's groundwater basins and to report its findings to the Legislature not later than January 1, 2012, and thereafter in years ending in 5 and 0. Existing law requires the department to identify the extent of monitoring of groundwater elevations that is being undertaken within each basin or subbasin and to prioritize groundwater basins and subbasins.

This bill would require the department, in consultation with the Department of Fish and Wildlife, to identify and develop prioritization criteria for the purpose of identifying groundwater basins and subbasins that should be prioritized based on adverse impacts to habitat and surface water resources. This bill would require the department to categorize each basin as high-, medium-, low-, or very low priority and would require the initial priority for each basin to be established no later than January 1, 2017. This bill would authorize a local agency to request that the department revise the boundaries of a basin. This bill would require the department to provide a copy of its draft revision of a basin's boundaries to the California Water Commission and would require the commission to hear and comment on the draft revision.

(3) Existing law authorizes local agencies to adopt and implement a groundwater management plan. Existing law requires a groundwater management plan to contain specified components and requires a local agency seeking state funds administered by the Department of Water Resources for groundwater projects or groundwater quality projects to do certain things, including, but not limited to, preparing and implementing a groundwater management plan that includes basin management objectives for the groundwater basin.

This bill, *with certain exceptions*, would prohibit, beginning January 1, 2015, a new groundwater management plan from being adopted or an existing groundwater management plan from being ~~renewed, except for a low- or very low priority basin.~~ *renewed.*

This bill would require, by January 31, 2020, all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources to be managed under a groundwater sustainability

plan or coordinated groundwater sustainability ~~plans of a groundwater sustainability agency, plans~~, with specified exceptions. This bill would require a groundwater sustainability plan to be developed and implemented to meet the sustainability goal, established as prescribed, and would require the plan to include prescribed components. ~~This bill would require a groundwater sustainability agency to certify to the department that its plan complies with the requirements of the act no later than January 31, 2020, and every 5 years thereafter.~~ This bill would encourage and authorize basins designated as low- or very low priority basins to be managed under groundwater sustainability plans.

This bill would authorize any local agency, as defined, or combination of local agencies to elect to be a groundwater sustainability agency and would require, within 30 days of electing to be or forming a groundwater sustainability agency, the groundwater sustainability agency to inform the department of its election or formation and its intent to undertake sustainable groundwater management. This bill would provide that a county within which an area unmanaged by a groundwater sustainability agency lies is presumed to be the groundwater sustainability agency for that area and would require the county to provide a prescribed notification to the department. This bill would provide specific authority to a groundwater sustainability agency, including, but not limited to, the ability to require registration of a groundwater extraction facility, to require that a groundwater extraction facility be measured with a water-measuring device, to regulate groundwater ~~pumping, extraction,~~ and to impose certain fees.

This bill would authorize the department or a groundwater sustainability agency to provide technical assistance to entities that extract or use groundwater to promote water conservation and protect groundwater resources. This bill would require the department, by January 1, 2017, to publish on its Internet Web site best management practices for the sustainable management of groundwater.

This bill would require a groundwater sustainability agency to submit a groundwater sustainability plan to the department for review upon ~~completion~~ adoption. This bill would require the department to periodically review groundwater sustainability plans, and by June 1, 2016, would require the department, in consultation with the State Water Resources Control Board, to develop ~~guidelines for evaluating groundwater sustainability plans and groundwater sustainability programs~~ certain guidelines. This bill would authorize a local agency to submit to the department for evaluation and assessment an alternative

~~plan that is not a groundwater sustainability plan that the local agency believes satisfies the objectives of these provisions as a functional equivalent. This bill would provide that a basin is in compliance with these provisions if a groundwater agency or other local agency submits to the department, no later than January 31, 2020, a copy of a governing final judgment or other judicial order or decree establishing a groundwater sustainability program for the basin or a prescribed report that shows that current management or operations activities have been consistent with the sustainable yield of the basin over a period of at least 10 years. provisions.~~ This bill would require the department to review any of the above-described submissions at least every 5 years after initial submission to the department. This bill would require the department to adopt a schedule of fees to recover costs incurred.

This bill would authorize a groundwater sustainability agency and the board to conduct inspections and would authorize a groundwater sustainability agency or the board to obtain an inspection warrant. Because the willful refusal of an inspection lawfully authorized by an inspection warrant is a misdemeanor, this bill would impose a state-mandated local program by expanding the application of a crime.

This bill would authorize the board to designate a basin as a probationary basin, if the board makes a certain determination. This bill would authorize the board to develop an interim plan for a probationary basin if the board, in consultation with the department, determines that a local agency has not remedied a deficiency that resulted in designating the basin as a probationary basin within a certain timeframe. This bill would authorize the board to adopt an interim plan for a probationary basin after notice and a public hearing and would require state entities to comply with an interim plan. This bill would specifically authorize the board to rescind all or a portion of an interim plan if the board determines at the request of specified petitioners that a groundwater sustainability plan or adjudication action is adequate to eliminate the condition of long-term overdraft or condition where groundwater extractions result in significant depletions of interconnected surface waters. This bill would provide that the board has authority to stay its proceedings relating to an interim plan or to rescind or amend an interim plan based on the progress made by a groundwater sustainability agency or in an adjudication action.

~~Existing~~

(4) Existing law establishes the Water Rights Fund, which consists of various fees and penalties. The moneys in the Water Rights Fund

are available, upon appropriation by the Legislature, for, *among other things*, the administration of the ~~board's~~ *State Water Resource Control Board's* water rights program.

This bill would provide that the money in the Water Rights Fund is available for expenditure, upon appropriation by the Legislature, for the purpose of state board enforcement of the provisions of this bill. This bill would require the board to adopt a schedule of fees in an amount sufficient to recover all costs incurred and expended from the Water Rights Fund for the purpose of administering the above-described provisions: by the board for this bill.

Under existing law, a person who violates a cease and desist order of the board may be liable in an amount not to exceed \$1,000 for each day in which the violation occurs. Revenue generated from these penalties is deposited in the Water Rights Fund.

This bill would authorize the board to issue a cease and desist order in response to a violation or threatened violation of ~~the above-described provisions: any decision or order of the board or any extraction restriction, limitation, order, or regulation adopted or issued under the provisions of this bill.~~

(5) Existing law, with certain exceptions, requires each person who diverts water after December 31, 1965, to file with the State Water Resources Control Board a prescribed statement of diversion and use. Existing law subjects a person to civil liability if that person fails to file, as required, a diversion and use statement for a diversion or use that occurs after January 1, 2009, tampers with any measuring device, or makes a material misstatement in connection with the filing of a diversion or use statement. Existing law provides that the making of any willful misstatement in connection with these provisions is a misdemeanor punishable as prescribed.

This bill would establish groundwater reporting requirements to the board or certain other entity for a person extracting groundwater in an area within a basin that is not within the management area of a groundwater sustainability agency or a probationary basin. This bill would require each report to be accompanied by a specified fee. This bill would apply the above-described criminal and civil liability provisions to a report or measuring device required by this reporting requirement. By expanding the definition of a crime, this bill would impose a state-mandated local program.

Existing law authorizes the board or the Department of Water Resources to adopt emergency regulations providing for the filing of reports of water diversion or use that are required to be filed.

This bill would authorize the board or the department to adopt emergency regulations providing for the filing of reports of water extraction.

(4)

(6) Existing law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city with specified elements, including, among others, land use and conservation elements. Existing law requires a city or county, upon the adoption or revision of its general plan, on or after January 1, 1996, to utilize as a source document any urban water management plan submitted to the city or county by a water agency.

This bill would require, prior to the adoption or any substantial amendment of a general plan, the planning agency to review and consider a groundwater sustainability plan, groundwater management plan, groundwater management court order, judgment, or decree, adjudication of water rights, or a certain order of or interim plan by the State Water Resources Control Board. This bill would require the planning agency to refer a proposed action to adopt or substantially amend a general plan to any groundwater sustainability agency that has adopted a groundwater sustainability plan or local agency that otherwise manages groundwater and to the State Water Resources Control Board if it has adopted an interim plan that includes territory within the planning area.

Existing law requires a public water system to provide a planning agency with certain information upon receiving notification of a city's or a county's proposed action to adopt or substantially amend a general plan.

This bill would also require a public water system to provide a report on the anticipated effect of the proposed action on implementation of a groundwater sustainability plan. This bill would require a groundwater sustainability agency to provide the planning agency with certain information as is appropriate and relevant.

By imposing new duties on a city or county, this bill would impose a state-mandated local program.

~~(5) This bill would state the intent of the Legislature to subsequently amend this measure to adopt extraction reporting requirements for basins~~

identified by the State Water Resources Control Board as probationary basins or basins without a groundwater sustainability agency.

(6)

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(7)

(8) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) The Legislature finds and declares as follows:
- 2 (1) The people of the state have a primary interest in the
- 3 protection, management, and reasonable beneficial use of the water
- 4 resources of the state, both surface and underground, and that the
- 5 integrated management of the state’s water resources is essential
- 6 to meeting its water management goals.
- 7 (2) Groundwater provides a significant portion of California’s
- 8 water supply. Groundwater accounts for more than one-third of
- 9 the water used by Californians in an average year and more than
- 10 one-half of the water used by Californians in a drought year when
- 11 other sources are unavailable.
- 12 (3) Excessive groundwater ~~pumping~~ extraction can cause
- 13 overdraft, failed wells, deteriorated water quality, environmental
- 14 damage, and irreversible land subsidence that damages
- 15 infrastructure and diminishes the capacity of aquifers to store water
- 16 for the future.

- 1 (4) When properly managed, groundwater resources will help
2 protect communities, farms, and the environment against prolonged
3 dry periods and climate change, preserving water supplies for
4 existing and potential beneficial use.
- 5 (5) Failure to manage groundwater to prevent long-term
6 overdraft infringes on groundwater rights.
- 7 (6) Groundwater resources are most effectively managed at the
8 local or regional level.
- 9 (7) Groundwater management will not be effective unless local
10 actions to sustainably manage groundwater basins and subbasins
11 are taken.
- 12 (8) Local and regional agencies need to have the necessary
13 support and authority to manage groundwater sustainably.
- 14 (9) In those circumstances where a local groundwater
15 management agency is not managing its groundwater sustainably,
16 the state needs to protect the resource until it is determined that a
17 local groundwater management agency can sustainably manage
18 the groundwater basin or subbasin.
- 19 (10) Information on the amount of groundwater extraction,
20 natural and artificial recharge, and groundwater evaluations are
21 critical for effective management of groundwater.
- 22 (11) Sustainable groundwater management in California depends
23 upon creating more opportunities for robust conjunctive
24 management of surface water *and groundwater* resources. Climate
25 change will intensify the need to recalibrate and reconcile surface
26 *water* and groundwater management strategies.
- 27 (b) It is therefore the intent of the Legislature to do all of the
28 following:
- 29 (1) To provide local and regional agencies the authority to
30 sustainably manage groundwater.
- 31 (2) To provide that if no local groundwater agency or agencies
32 provide sustainable groundwater management for a groundwater
33 basin or subbasin, the state has the authority to develop and
34 implement a groundwater sustainability *an interim* plan until the
35 time the local groundwater management *sustainability* agency or
36 agencies can assume management of the basin or subbasin.
- 37 (3) To require the development and reporting of those data
38 necessary to support sustainable groundwater management,
39 including those data that help describe the basin's geology, the
40 short- and long-term trends of the basin's water balance, and other

1 measures of sustainability, and those data necessary to resolve
2 disputes regarding sustainable yield, beneficial uses, and water
3 rights.

4 (4) To respect overlying and other proprietary rights to
5 groundwater.

6 SEC. 2. Section 65350.5 is added to the Government Code, to
7 read:

8 65350.5. Before the adoption or any substantial amendment
9 of a city's or county's general plan, the planning agency shall
10 review and consider all of the following:

11 (a) An adoption of, or update to, a groundwater sustainability
12 plan or groundwater management plan pursuant to Part 2.74
13 (commencing with Section 10720) or Part 2.75 (commencing with
14 Section 10750) of Division 6 of the Water Code or groundwater
15 management court order, judgment, or decree.

16 (b) An adjudication of water rights.

17 (c) An order *or interim plan* by the State Water Resources
18 Control Board pursuant to Chapter 11 (commencing with Section
19 10735) of Part 2.74 of Division 6 of the Water Code.

20 SEC. 3. Section 65352 of the Government Code is amended
21 to read:

22 65352. (a) Before a legislative body takes action to adopt or
23 substantially amend a general plan, the planning agency shall refer
24 the proposed action to all of the following entities:

25 (1) A city or county, within or abutting the area covered by the
26 proposal, and any special district that may be significantly affected
27 by the proposed action, as determined by the planning agency.

28 (2) An elementary, high school, or unified school district within
29 the area covered by the proposed action.

30 (3) The local agency formation commission.

31 (4) An areawide planning agency whose operations may be
32 significantly affected by the proposed action, as determined by the
33 planning agency.

34 (5) A federal agency, if its operations or lands within its
35 jurisdiction may be significantly affected by the proposed action,
36 as determined by the planning agency.

37 (6) (A) The branches of the United States Armed Forces that
38 have provided the Office of Planning and Research with a
39 California mailing address pursuant to subdivision (d) of Section
40 65944, if the proposed action is within 1,000 feet of a military

1 installation, or lies within special use airspace, or beneath a
2 low-level flight path, as defined in Section 21098 of the Public
3 Resources Code, and if the United States Department of Defense
4 provides electronic maps of low-level flight paths, special use
5 airspace, and military installations at a scale and in an electronic
6 format that is acceptable to the Office of Planning and Research.

7 (B) Within 30 days of a determination by the Office of Planning
8 and Research that the information provided by the Department of
9 Defense is sufficient and in an acceptable scale and format, the
10 office shall notify cities, counties, and cities and counties of the
11 availability of the information on the Internet. Cities, counties, and
12 cities and counties shall comply with subparagraph (A) within 30
13 days of receiving this notice from the office.

14 (7) A public water system, as defined in Section 116275 of the
15 Health and Safety Code, with 3,000 or more service connections,
16 that serves water to customers within the area covered by the
17 proposal. The public water system shall have at least 45 days to
18 comment on the proposed plan, in accordance with subdivision
19 (b), and to provide the planning agency with the information set
20 forth in Section 65352.5.

21 (8) Any groundwater sustainability agency that has adopted a
22 groundwater sustainability plan pursuant to Part 2.74 (commencing
23 with Section 10720) of Division 6 of the Water Code or local
24 agency that otherwise manages groundwater pursuant to other
25 provisions of law or a court order, judgment, or decree within the
26 planning area of the proposed general plan.

27 (9) The State Water Resources Control Board, if it has adopted
28 an interim plan pursuant to ~~Part 2.74 (commencing with~~
29 ~~Section 10720) Chapter 11 (commencing with Section 10735) of~~
30 *Part 2.74* of Division 6 of the Water Code that includes territory
31 within the planning area of the proposed general plan.

32 (10) The Bay Area Air Quality Management District for a
33 proposed action within the boundaries of the district.

34 (11) A California Native American tribe, that is on the contact
35 list maintained by the Native American Heritage Commission and
36 that has traditional lands located within the city's or county's
37 jurisdiction.

38 (12) The Central Valley Flood Protection Board, for a proposed
39 action within the boundaries of the Sacramento and San Joaquin
40 Drainage District, as set forth in Section 8501 of the Water Code.

1 (b) An entity receiving a proposed general plan or amendment
2 of a general plan pursuant to this section shall have 45 days from
3 the date the referring agency mails it or delivers it to comment
4 unless a longer period is specified by the planning agency.

5 (c) (1) This section is directory, not mandatory, and the failure
6 to refer a proposed action to the entities specified in this section
7 does not affect the validity of the action, if adopted.

8 (2) To the extent that the requirements of this section conflict
9 with the requirements of Chapter 4.4 (commencing with Section
10 65919), the requirements of Chapter 4.4 shall prevail.

11 SEC. 4. Section 65352.5 of the Government Code is amended
12 to read:

13 65352.5. (a) The Legislature finds and declares that it is vital
14 that there be close coordination and consultation between
15 California's water supply or management agencies and California's
16 land use approval agencies to ensure that proper water supply and
17 management planning occurs to accommodate projects that will
18 result in increased demands on water supplies or impact water
19 resource management.

20 (b) It is, therefore, the intent of the Legislature to provide a
21 standardized process for determining the adequacy of existing and
22 planned future water supplies to meet existing and planned future
23 demands on these water supplies and the impact of land use
24 decisions on the management of California's water supply
25 resources.

26 (c) Upon receiving, pursuant to Section 65352, notification of
27 a city's or a county's proposed action to adopt or substantially
28 amend a general plan, a public water system, as defined in Section
29 116275 of the Health and Safety Code, with 3,000 or more service
30 connections, shall provide the planning agency with the following
31 information, as is appropriate and relevant:

32 (1) The current version of its urban water management plan,
33 adopted pursuant to Part 2.6 (commencing with Section 10610)
34 of Division 6 of the Water Code.

35 (2) The current version of its capital improvement program or
36 plan, as reported pursuant to Section 31144.73 of the Water Code.

37 (3) A description of the source or sources of the total water
38 supply currently available to the water supplier by water right or
39 contract, taking into account historical data concerning wet, normal,
40 and dry runoff years.

- 1 (4) A description of the quantity of surface water that was
2 purveyed by the water supplier in each of the previous five years.
- 3 (5) A description of the quantity of groundwater that was
4 purveyed by the water supplier in each of the previous five years.
- 5 (6) A description of all proposed additional sources of water
6 supplies for the water supplier, including the estimated dates by
7 which these additional sources should be available and the
8 quantities of additional water supplies that are being proposed.
- 9 (7) A description of the total number of customers currently
10 served by the water supplier, as identified by the following
11 categories and by the amount of water served to each category:
- 12 (A) Agricultural users.
13 (B) Commercial users.
14 (C) Industrial users.
15 (D) Residential users.
- 16 (8) Quantification of the expected reduction in total water
17 demand, identified by each customer category set forth in paragraph
18 (7), associated with future implementation of water use reduction
19 measures identified in the water supplier's urban water
20 management plan.
- 21 (9) Any additional information that is relevant to determining
22 the adequacy of existing and planned future water supplies to meet
23 existing and planned future demands on these water supplies.
- 24 (10) A report on the anticipated effect of proposed action to
25 adopt or substantially amend a general plan on implementation of
26 a groundwater sustainability plan pursuant to Part 2.74
27 (commencing with Section 10720) of Division 6 of the Water
28 Code.
- 29 (d) Upon receiving, pursuant to Section 65352, notification of
30 a city's or a county's proposed action to adopt or substantially
31 amend a general plan, a groundwater sustainability agency, as
32 defined in Section ~~10720.5~~ 10721 of the Water Code, shall provide
33 the planning agency with the following information, as is
34 appropriate and relevant:
- 35 (1) The current version of its groundwater sustainability plan
36 adopted pursuant to Part 2.74 (commencing with Section 10720)
37 of Division 6 of the Water Code.
- 38 (2) If the groundwater sustainability agency manages
39 groundwater pursuant to a court order, judgment, decree, or
40 agreement among affected water rights holders, or if the State

1 Water Resources Control Board has adopted ~~a groundwater~~
2 ~~sustainability~~ *an interim* plan pursuant to ~~Part 2.74 (commencing~~
3 ~~with Section 10720) Chapter 11 (commencing with Section 10735)~~
4 *of Part 2.74* of Division 6 of the Water Code, the groundwater
5 sustainability agency shall provide the planning agency with maps
6 of recharge basins and percolation ponds, extraction limitations,
7 and other relevant information, or the court order, judgment, or
8 decree.

9 SEC. 5. Section 113 is added to the Water Code, to read:

10 113. It is the policy of the state that groundwater resources be
11 managed sustainably for long-term ~~water supply~~ reliability and
12 multiple economic, social, ~~or~~ *and* environmental benefits for
13 current and future beneficial uses. Sustainable groundwater
14 management is best achieved locally through the development,
15 implementation, and updating of plans and programs based on the
16 best available science.

17 SEC. 6. Section 348 of the Water Code is amended to read:

18 348. (a) The department or the board may adopt emergency
19 regulations providing for the electronic filing of reports of *water*
20 *extraction or water diversion or use* required to be filed with the
21 department or board under this code, including, but not limited to,
22 any report required to be filed under Part 5.1 (commencing with
23 Section 5100) *or Part 5.2 (commencing with Section 5200)* of
24 Division 2 and any report required to be filed by a water right
25 permittee or licensee.

26 (b) Emergency regulations adopted pursuant to this section, or
27 any amendments thereto, shall be adopted by the department or
28 the board in accordance with Chapter 3.5 (commencing with
29 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
30 Code. The adoption of these regulations is an emergency and shall
31 be considered by the Office of Administrative Law as necessary
32 for the immediate preservation of the public peace, health, safety,
33 and general welfare. Notwithstanding Chapter 3.5 (commencing
34 with Section 11340) of Part 1 of Division 3 of Title 2 of the
35 Government Code, any emergency regulations or amendments to
36 those regulations adopted under this section shall remain in effect
37 until revised by the department or the board that adopted the
38 regulations or amendments.

39 ~~SEC. 6.~~

40 SEC. 7. Section 1120 of the Water Code is amended to read:

1 1120. This chapter applies to any decision or order issued under
2 this part or Section 275, Part 2 (commencing with Section 1200),
3 Part 2 (commencing with Section 10500) of Division 6, Chapter
4 11 (commencing with Section 10735) of Part 2.74 of Division 6,
5 Article 7 (commencing with Section 13550) of Chapter 7 of
6 Division 7, or the public trust doctrine.

7 ~~SEC. 7.~~

8 *SEC. 8.* Section 1529.5 is added to the Water Code, to read:

9 1529.5. (a) The board shall adopt a schedule of fees pursuant
10 to Section 1530 to recover costs incurred in administering Chapter
11 11 (commencing with Section 10735) of Part 2.74 of Division 6.
12 Recoverable costs include, but are not limited to, costs incurred
13 in connection with investigations, facilitation, monitoring, hearings,
14 enforcement, and administrative costs in carrying out these actions.

15 (b) The fee schedule adopted under this section may include,
16 but is not limited to, the following:

17 (1) A fee for participation as a petitioner or party to an
18 adjudicative proceeding.

19 (2) A fee for the filing of a report pursuant to Part 5.2
20 (commencing with Section 5200) of Division ~~2~~ for ~~extractions~~
21 ~~from a source within the boundaries of a probationary basin under~~
22 ~~Section 10735.2. 2.~~

23 (c) Consistent with Section 3 of Article XIII A of the California
24 Constitution, the board shall set the fees under this section in an
25 amount sufficient to cover all costs incurred and expended from
26 the Water Rights Fund for the ~~purpose of~~ purposes of Part 5.2
27 (commencing with Section 5200) and Chapter 11 (commencing
28 with Section 10735) of Part 2.74 of Division 6. In setting these
29 fees, the board is not required to fully recover these costs in the
30 year or the year immediately after the costs are incurred, but the
31 board may provide for recovery of these costs over a period of
32 years.

33 *SEC. 9.* Section 1552 of the Water Code is amended to read:

34 1552. The money in the Water Rights Fund is available for
35 expenditure, upon appropriation by the Legislature, for the
36 following purposes:

37 (a) For expenditure by the State Board of Equalization in the
38 administration of this chapter and the Fee Collection Procedures
39 Law (Part 30 (commencing with Section 55001) of Division 2 of

1 the Revenue and Taxation Code) in connection with any fee or
2 expense subject to this chapter.

3 (b) For the payment of refunds, pursuant to Part 30 (commencing
4 with Section 55001) of Division 2 of the Revenue and Taxation
5 Code, of fees or expenses collected pursuant to this chapter.

6 (c) For expenditure by the board for the purposes of carrying
7 out this division, Division 1 (commencing with Section 100), Part
8 2 (commencing with Section 10500) and Chapter 11 (commencing
9 with Section 10735) of Part 2.74 of Division 6, and Article 7
10 (commencing with Section 13550) of Chapter 7 of Division 7.

11 (d) For expenditures by the board for the purposes of carrying
12 out Sections 13160 and 13160.1 in connection with activities
13 involving hydroelectric power projects subject to licensing by the
14 Federal Energy Regulatory Commission.

15 (e) For expenditures by the board for the purposes of carrying
16 out Sections 13140 and 13170 in connection with plans and policies
17 that address the diversion or use of water.

18 **SEC. 8.**

19 *SEC. 10.* Section 1831 of the Water Code is amended to read:

20 1831. (a) When the board determines that any person is
21 violating, or threatening to violate, any requirement described in
22 subdivision (d), the board may issue an order to that person to
23 cease and desist from that violation.

24 (b) The cease and desist order shall require that person to comply
25 forthwith or in accordance with a time schedule set by the board.

26 (c) The board may issue a cease and desist order only after
27 notice and an opportunity for hearing pursuant to Section 1834.

28 (d) The board may issue a cease and desist order in response to
29 a violation or threatened violation of any of the following:

30 (1) The prohibition set forth in Section 1052 against the
31 unauthorized diversion or use of water subject to this division.

32 (2) Any term or condition of a permit, license, certification, or
33 registration issued under this division.

34 (3) Any decision or order of the board issued under this part,
35 Section 275, Chapter 11 (commencing with Section 10735) of Part
36 2.74 of Division 6, or Article 7 (commencing with Section 13550)
37 of Chapter 7 of Division 7, in which decision or order the person
38 to whom the cease and desist order will be issued, or a predecessor
39 in interest to that person, was named as a party directly affected
40 by the decision or order.

1 (4) A regulation adopted under Section 1058.5.

2 (5) Any ~~pumping~~ *extraction* restriction, limitation, order, or
3 regulation adopted or issued under Chapter 11 (commencing with
4 Section 10735) of Part 2.74 of Division 6.

5 (e) This article does not authorize the board to regulate in any
6 manner, the diversion or use of water not otherwise subject to
7 regulation of the board under this division or Section 275.

8 ~~SEC. 9.~~

9 *SEC. 11.* Part 5.2 (commencing with Section 5200) is added
10 to Division 2 of the Water Code, to read:

11

12 PART 5.2. GROUNDWATER EXTRACTION REPORTING
13 FOR PROBATIONARY BASINS AND BASINS WITHOUT A
14 GROUNDWATER SUSTAINABILITY AGENCY
15

16 ~~5200. It is the intent of the Legislature to subsequently amend
17 this measure to adopt extraction reporting requirements for basins
18 identified as probationary basins pursuant to Section 10735.2, or
19 as authorized by subdivision (b) of Section 10724, for basins
20 without a groundwater sustainability agency.~~

21 *5200. The Legislature finds and declares that this part
22 establishes groundwater reporting requirements for the purposes
23 of subdivision (b) of Section 10724 and Chapter 11 (commencing
24 with Section 10735) of Part 2.74 of Division 6.*

25 *5201. As used in this part:*

26 (a) "Basin" has the same meaning as defined in Section 10721.

27 (b) "Board-designated local area" has the same meaning as
28 defined in Section 5009.

29 (c) "De minimis extractor" has the same meaning as defined
30 in Section 10721.

31 (d) "Groundwater" has the same meaning as defined in Section
32 10721.

33 (e) "Groundwater extraction facility" has the same meaning
34 as defined in Section 10721.

35 (f) "Groundwater sustainability agency" has the same meaning
36 as defined in Section 10721.

37 (g) "Person" has the same meaning as defined in Section 10735.

38 (h) "Probationary basin" has the same meaning as defined in
39 Section 10735.

1 (i) "Personal information" has the same meaning as defined
2 in Section 1798.3 of the Civil Code.

3 (j) "Water year" has the same meaning as defined in Section
4 10721.

5 5202. (a) This section applies to a person who does either of
6 the following:

7 (1) Extracts groundwater from a probationary basin 90 days
8 or more after the board designates the basin as a probationary
9 basin pursuant to Section 10735.2.

10 (2) Extracts groundwater on or after January 1, 2017, in an
11 area within a basin that is not within the management area of a
12 groundwater sustainability agency and where the county does not
13 assume responsibility to be the groundwater sustainability agency,
14 as provided in subdivision (b) of Section 10724.

15 (b) Except as provided in subdivision (c), a person subject to
16 this section shall file a report of groundwater extraction by
17 December 15 of each year for extractions made in the preceding
18 water year.

19 (c) Unless reporting is required pursuant to paragraph (2) of
20 subdivision (c) of Section 10735.2, this section does not apply to
21 any of the following:

22 (1) An extraction by a de minimis extractor.

23 (2) An extraction excluded from reporting pursuant to paragraph
24 (1) of subdivision (c) of Section 10735.2.

25 (3) An extraction reported pursuant to Part 5 (commencing with
26 Section 4999).

27 (4) An extraction that is included in annual reports filed with
28 a court or the board by a watermaster appointed by a court or
29 pursuant to statute to administer a final judgment determining
30 rights to water. The reports shall identify the persons who have
31 extracted water and give the general place of use and the quantity
32 of water that has been extracted from each source.

33 (d) Except as provided in Section 5209, the report shall be filed
34 with the board.

35 (e) The report may be filed by the person extracting water or
36 on that person's behalf by an agency that person designates and
37 that maintains a record of the water extracted.

38 (f) Each report shall be accompanied by the fee imposed
39 pursuant to Section 1529.5.

- 1 5203. Each report shall be prepared on a form provided by
2 the board. The report shall include all of the following information:
- 3 (a) The name and address of the person who extracted
4 groundwater and of the person filing the report.
- 5 (b) The name of the basin from which groundwater was
6 extracted.
- 7 (c) The place of groundwater extraction. The location of the
8 groundwater extraction facilities shall be depicted on a specific
9 United States Geological Survey topographic map or shall be
10 identified using the California Coordinate System or a latitude
11 and longitude measurement. If assigned, the public land description
12 to the nearest 40-acre subdivision and the assessor's parcel
13 number shall be provided.
- 14 (d) The capacity of the groundwater extraction facilities.
- 15 (e) Monthly records of groundwater extractions. The
16 measurements of the extractions shall be made by a methodology,
17 water-measuring device, or combination thereof satisfactory to
18 the board.
- 19 (f) The purpose of use.
- 20 (g) A general description of the area in which the water was
21 used. The location of the place of use shall be depicted on a specific
22 United States Geological Survey topographic map or on any other
23 maps with identifiable landmarks. If assigned, the public land
24 description to the nearest 40-acre subdivision and the assessor's
25 parcel number shall also be provided.
- 26 (h) As near as is known, the year in which the groundwater
27 extraction was commenced.
- 28 (i) Any information required pursuant to paragraph (3) of
29 subdivision (c) of Section 10735.2.
- 30 (j) Any other information that the board may require by
31 regulation and that is reasonably necessary for purposes of this
32 division or Part 2.74 (commencing with Section 10720) of Division
33 6.
- 34 5204. (a) If a person fails to file a report as required by this
35 part, the board may, at the expense of that person, investigate and
36 determine the information required to be reported pursuant to this
37 part.
- 38 (b) The board shall give a person described in subdivision (a)
39 notice of its intention to investigate and determine the information

1 required to be reported pursuant to this part and 60 days in which
2 to file a required report without penalty.

3 5205. A report submitted under this part or a determination
4 of facts by the board pursuant to Section 5104 shall not establish
5 or constitute evidence of a right to divert or use water.

6 5206. Personal information included in a report of groundwater
7 extraction shall have the same protection from disclosure as is
8 provided for information concerning utility customers of local
9 agencies pursuant to Section 6254.16 of the Government Code.

10 5207. (a) A prescriptive right to extract groundwater that may
11 otherwise occur shall not arise or accrue to, and a statute of
12 limitations shall not operate in favor of, a person required to file
13 a report pursuant to this part until the person files the report.

14 (b) For purposes of establishing or maintaining a water right,
15 failure to file a report required to be filed pursuant to this part
16 within six months after the report is due shall be deemed equivalent
17 to nonuse during the period for which the report was required.

18 5208. Section 5107 applies to a report or measuring device
19 required pursuant to this part. For purposes of Section 5107, a
20 report of groundwater extraction, measuring device, or
21 misstatement required, used, or made pursuant to this part shall
22 be considered the equivalent of a statement, measuring device, or
23 misstatement required, used, or made pursuant to Part 5.1
24 (commencing with Section 5100).

25 5209. For groundwater extractions in a board-designated local
26 area, reports required pursuant to this part shall be submitted to
27 the entity designated pursuant to subdivision (e) of Section 5009
28 if both of the following occur:

29 (a) The board determines that the requirements of subdivision
30 (e) of Section 5009 have been satisfied with respect to extractions
31 subject to reporting pursuant to this part, in addition to any
32 groundwater extractions subject to Part 5 (commencing with
33 Section 4999).

34 (b) The designated entity has made satisfactory arrangements
35 to collect and transmit to the board any fees imposed pursuant to
36 paragraph (2) of subdivision (b) of Section 1529.5.

37 ~~SEC. 10.~~

38 SEC. 12. Part 2.74 (commencing with Section 10720) is added
39 to Division 6 of the Water Code, to read:

1 10720.5. Groundwater management pursuant to this part shall
2 be consistent with Section 2 of Article X of the California
3 Constitution. Nothing in this part modifies rights or priorities to
4 use or store groundwater consistent with Section 2 of Article X of
5 the California Constitution, except that in basins designated
6 medium- or high-priority basins by the department, no extraction
7 of groundwater between January 1, 2015, and the date of adoption
8 of a groundwater sustainability plan pursuant to this part, whichever
9 is sooner, may be used as evidence of, or to establish or defend
10 against, any claim of prescription.

11 ~~10720.7. Subject to Chapter 6 (commencing with Section~~
12 ~~10725), by~~ By January 31, 2020, all basins designated as high- or
13 medium-priority basins by the department shall be managed under
14 a groundwater sustainability plan or coordinated groundwater
15 sustainability plans pursuant to this part. The Legislature
16 encourages and authorizes basins designated as low-and very low
17 priority basins by the department to be managed under groundwater
18 sustainability plans pursuant to this part.

19 10720.9. (a) Except as provided in ~~Section 10733.6,~~
20 *subdivision (d)*, this part does not apply to *the following*
21 *adjudicated areas* or a local agency that conforms to the
22 requirements of an adjudication of water rights ~~in a groundwater~~
23 ~~basin or to that adjudicated basin. For purposes of this section, an~~
24 ~~adjudication includes an adjudication under Section 2101, an~~
25 ~~administrative adjudication, and an adjudication in state or federal~~
26 ~~court, including, but not limited to, for one of the following~~
27 ~~adjudicated groundwater basins:~~ *areas:*

- 28 (1) Beaumont Basin.
- 29 (2) Brite Basin.
- 30 (3) Central Basin.
- 31 (4) Chino Basin.
- 32 (5) Cucamonga Basin.
- 33 (6) Cummings Basin.
- 34 (7) Goleta Basin.
- 35 (8) ~~Main San Gabriel Basin: Puente Narrows. Basin.~~
- 36 (9) Mojave Basin Area.
- 37 (10) Puente Basin.
- 38 (11) Raymond Basin.
- 39 (12) San Jacinto Basin.
- 40 (13) Santa Margarita River Watershed.

- 1 (14) Santa Maria Valley Basin.
- 2 (15) Santa Paula Basin.
- 3 (16) Scott River Stream System.
- 4 (17) Seaside Basin.
- 5 (18) Six Basins.
- 6 (19) Tehachapi Basin.
- 7 (20) Upper Los Angeles River Area.
- 8 (21) Warren Valley Basin.
- 9 (22) West Coast Basin.
- 10 (23) Western San Bernardino.

11 (b) The Antelope Valley basin at issue in the Antelope Valley
 12 Groundwater Cases (Judicial Council Coordination Proceeding
 13 Number 4408) shall be treated as an adjudicated basin pursuant to
 14 this section if the superior court issues a final judgment, order, or
 15 decree.

16 (c) *If an adjudication action has determined the rights to extract*
 17 *groundwater for only a portion of a basin, subdivisions (a) and*
 18 *(b) apply only within the area for which the adjudication action*
 19 *has determined those rights.*

20 (d) *The watermaster or a local agency within a basin identified*
 21 *in subdivision (a) shall do all of the following:*

22 (1) *By January 1, 2016, submit to the department a copy of a*
 23 *governing final judgment, or other judicial order or decree, and*
 24 *any amendments entered before January 1, 2016.*

25 (2) *Within 90 days of entry by a court, submit to the department*
 26 *a copy of any amendment made and entered by the court to the*
 27 *governing final judgment or other judicial order or decree on or*
 28 *after January 1, 2016.*

29 (3) *By January 1, 2016, and annually by January 1 of each year*
 30 *thereafter, submit to the department a report containing the*
 31 *following information for the portion of the basin subject to the*
 32 *adjudication:*

33 (A) *Groundwater elevation data.*

34 (B) *Annual aggregated data identifying groundwater extraction*
 35 *for the preceding water year.*

36 (C) *Surface water supply used for or available for use for*
 37 *groundwater recharge or in-lieu use.*

38 (D) *Total water use.*

39 (E) *Change in groundwater storage.*

CHAPTER 2. DEFINITIONS

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10721. Unless the context otherwise requires, the following definitions govern the construction of this part:

(a) "Adjudication action" means an action filed in the superior or federal district court to determine the rights to extract groundwater from a basin or store water within a basin, including, but not limited to, actions to quiet title respecting rights to extract or store groundwater or an action brought to impose a physical solution on a basin.

(b) "Basin" means a groundwater basin or subbasin identified and defined in Bulletin 118 or as modified pursuant to Chapter 3 (commencing with Section 10722).

(c) "Bulletin 118" means the department's report entitled "California's Groundwater: Bulletin 118" updated in 2003, as it may be subsequently updated or revised in accordance with Section 12924.

(d) "Coordination agreement" means a legal agreement adopted between two or more groundwater sustainability agencies that provides the basis for coordinating multiple agencies or groundwater sustainability plans within a basin pursuant to this part.

(e) "De-minimus minimis extractor" means a person who extracts, for domestic purposes, two acre-feet or less per year.

(f) "Governing body" means the legislative body of a groundwater sustainability agency.

(g) "Groundwater" means water beneath the surface of the earth within the zone below the water table in which the soil is completely saturated with water, but does not include water that flows in known and definite channels.

(h) "Groundwater extraction facility" means a device or method for extracting groundwater from within a basin.

(i) "Groundwater recharge" means the augmentation of groundwater, by natural or artificial means.

(j) "Groundwater sustainability agency" means one or more local agencies that implement the provisions of this part. For purposes of imposing fees pursuant to Chapter 8 (commencing with Section 10730) or taking action to enforce a groundwater sustainability plan, "groundwater sustainability agency" also means

1 each local agency comprising the groundwater sustainability
2 agency if the plan authorizes separate agency action.

3 (k) “Groundwater sustainability plan” or “plan” means a plan
4 of a groundwater sustainability agency proposed or adopted
5 pursuant to this part.

6 (l) “Groundwater sustainability program” means a coordinated
7 and ongoing activity undertaken to benefit a basin, pursuant to a
8 groundwater sustainability plan.

9 (m) “Local agency” means a local public agency that has water
10 supply, water management, or land use responsibilities within a
11 groundwater basin.

12 (n) “Operator” means a person operating a groundwater
13 extraction facility. The owner of a groundwater extraction facility
14 shall be conclusively presumed to be the operator unless a
15 satisfactory showing is made to the governing body of the
16 groundwater sustainability agency that the groundwater extraction
17 facility actually is operated by some other person.

18 (o) “Owner” means a person owning a groundwater extraction
19 facility or an interest in a groundwater extraction facility other
20 than a lien to secure the payment of a debt or other obligation.

21 (p) “Planning and implementation horizon” means a 50-year
22 time period over which a groundwater sustainability agency
23 determines that plans and measures will be implemented in a basin
24 to ensure that the basin is operated within its sustainable yield.

25 (q) “Public water system” has the same meaning as defined in
26 Section 116275 of the Health and Safety Code.

27 (r) “Recharge area” means the area that supplies water to an
28 aquifer in a groundwater basin.

29 (s) “Sustainability goal” means the existence and implementation
30 of one or more groundwater sustainability plans that achieve
31 sustainable groundwater management by identifying and causing
32 the implementation of measures targeted to ensure that the
33 applicable basin is operated within its sustainable yield.

34 (t) “Sustainable groundwater management” means the
35 management and use of groundwater in a manner that can be
36 maintained during the planning and implementation horizon
37 without causing undesirable results.

38 (u) “Sustainable yield” means the maximum quantity of water,
39 calculated over a base period representative of long-term conditions
40 in the basin and including any temporary surplus, that can be

1 withdrawn annually from a groundwater supply without causing
2 an undesirable result.

3 (v) “Undesirable result” means one or more of the following
4 effects ~~occurring after January 1, 2015, and~~ caused by groundwater
5 conditions occurring throughout the basin:

6 (1) Chronic lowering of groundwater levels indicating a
7 significant and unreasonable depletion of supply if continued over
8 the planning and implementation ~~horizon, excluding lowering~~
9 ~~groundwater levels caused by a drought.~~ *horizon. Overdraft during*
10 *a period of drought is not sufficient to establish a chronic lowering*
11 *of groundwater levels if extractions and recharge are managed*
12 *as necessary to ensure that reductions in groundwater levels or*
13 *storage during a period of drought are offset by increases in*
14 *groundwater levels or storage during other periods.*

15 (2) Significant and unreasonable reduction of groundwater
16 storage.

17 (3) Significant seawater intrusion.

18 (4) Significant and unreasonable degraded water quality,
19 including the migration of contaminant plumes that impair water
20 supplies.

21 (5) Significant land subsidence that substantially interferes with
22 surface land uses.

23 (6) Surface water depletions that have significant adverse
24 impacts on beneficial uses.

25 (w) “Water budget” means an accounting of the total
26 groundwater and surface water entering and leaving a basin
27 including the changes in the amount of water stored.

28 (x) “Watermaster” means a watermaster appointed by a court
29 or pursuant to other law.

30 (y) “Water year” means the period from October 1 through the
31 following September 30, inclusive.

32 (z) “Wellhead protection area” means the surface and subsurface
33 area surrounding a water well or well field that supplies a public
34 water system through which contaminants are reasonably likely
35 to migrate toward the water well or well field.

CHAPTER 3. BASIN BOUNDARIES

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10722. Unless other basin boundaries are established pursuant to this chapter, a basin's boundaries shall be as identified in Bulletin 118.

10722.2. (a) A local agency may request that the department revise the boundaries of a basin, including the establishment of new subbasins. A local agency's request shall be supported by the following information:

(1) Information demonstrating that the proposed adjusted basin can be the subject of sustainable groundwater management.

(2) Technical information regarding the boundaries of, and conditions in, the proposed adjusted basin.

(3) Information demonstrating that the entity proposing the basin boundary adjustment consulted with interested local agencies and public water systems in the affected basins before filing the proposal with the department.

(4) Other information the department deems necessary to justify revision of the basin's boundary.

(b) By January 1, 2016, the department shall develop and publish guidelines regarding the information required to comply with subdivision (a). The guidelines required pursuant to this subdivision are exempt from Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(c) The department shall provide a copy of its draft revision of a basin's boundaries to the California Water Commission. The California Water Commission shall hear and comment on the draft revision within 60 days after the department provides the draft revision to the commission.

10722.4. (a) Pursuant to Section 10933, for the purposes of this part the department shall categorize each basin as one of the following priorities:

(1) High priority.

(2) Medium priority.

(3) Low priority.

(4) Very low priority.

(b) The initial priority for each basin shall be established by the department pursuant to Section 10933 no later than January 1, 2017.

1 (c) Anytime the department updates Bulletin 118 boundaries
2 pursuant to subdivision (b) of Section 12924, the department shall
3 reassess the prioritization pursuant to Section 10933.

4 (d) Anytime the department changes the basin priorities pursuant
5 to Section 10933, if a basin is elevated to a medium or high priority
6 basin after January 1, 2015, a local agency shall have two years
7 from the date of reprioritization to establish a groundwater
8 sustainability agency pursuant to Chapter 4 (commencing with
9 Section 10723) and five years from the date of reprioritization to
10 adopt a groundwater sustainability plan pursuant to Chapter 6
11 (commencing with Section 10727).

12
13 CHAPTER 4. ESTABLISHING GROUNDWATER SUSTAINABILITY
14 AGENCIES
15

16 10723. (a) Any local agency or combination of local agencies
17 may elect to be a groundwater sustainability agency.

18 (b) Before electing to be a groundwater sustainability agency,
19 and after publication of notice pursuant to Section 6066 of the
20 Government Code, the local agency or agencies shall hold a public
21 hearing in the county or counties overlying the basin.

22 10723.2. The groundwater sustainability agency shall consider
23 the interests of all beneficial uses and users of groundwater, as
24 well as those responsible for implementing groundwater
25 sustainability plans. These interests include, but are not limited to,
26 all of the following:

27 (a) Holders of overlying groundwater rights, including:

28 (1) Agricultural users.

29 (2) Domestic well owners.

30 (b) Municipal well operators.

31 (c) Public water systems.

32 (d) Local land use planning agencies.

33 (e) Environmental users of groundwater.

34 (f) Surface water users, if there is a hydrologic connection
35 between surface and groundwater bodies.

36 (g) The federal government, including, but not limited to, the
37 military and managers of federal lands.

38 (h) ~~Indian~~ California Native American tribes.

39 10723.4. The groundwater sustainability agency shall establish
40 and maintain a list of persons interested in receiving notices

1 regarding plan preparation, meeting announcements, and
2 availability of draft plans, maps, and other relevant documents.
3 Any person may request, in writing, to be placed on the list of
4 interested persons.

5 10723.6. A combination of local agencies may form a
6 groundwater sustainability agency by using any of the following
7 methods:

8 (a) A joint powers agreement.

9 (b) A memorandum of agreement or other legal agreement.

10 10723.8. Within 30 days of electing to be or forming a
11 groundwater sustainability agency, the groundwater sustainability
12 agency shall inform the department of its election or formation
13 and its intent to undertake sustainable groundwater management.
14 The notification shall include the following information, as
15 applicable:

16 (a) The service area boundaries, the basin the agency is
17 managing, and the other groundwater sustainability agencies
18 operating within the basin.

19 (b) A copy of the resolution forming the new agency.

20 (c) A copy of the bylaws, ordinances, and new authorities.

21 10724. (a) In the event that there is an area within a basin that
22 is not within the management area of a groundwater sustainability
23 agency, the county within which that unmanaged area lies will be
24 presumed to be the groundwater sustainability agency for that area.

25 (b) A county described in subdivision (a) shall provide
26 notification to the department pursuant to Section 10723.8 unless
27 the county notifies the department that it will not be the
28 groundwater sustainability agency for the area. Extractions of
29 groundwater made ~~after 2016~~ *on or after January 1, 2017*, in that
30 area shall be subject to reporting in accordance with Part 5.2
31 (commencing with Section 5200) of Division 2 if the county does
32 either of the following:

33 (1) Notifies the department that it will not be the groundwater
34 sustainability agency for an area.

35 (2) Fails to provide notification to the department pursuant to
36 Section 10723.8 for an area on or before January 1, 2017.

CHAPTER 5. POWERS AND AUTHORITIES

1
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3 10725. (a) A groundwater sustainability agency may exercise
4 any of the powers described in this chapter in implementing this
5 part, in addition to, and not as a limitation on, any existing
6 authority, if the groundwater sustainability agency adopts and
7 submits to the department a groundwater sustainability plan or
8 prescribed alternative documentation in accordance with Section
9 10733.6.

10 (b) A groundwater sustainability agency has and may use the
11 powers in this chapter to provide the maximum degree of local
12 control and flexibility consistent with the sustainability goals of
13 this part.

14 10725.2. (a) A groundwater sustainability agency may perform
15 any act necessary or proper to carry out the purposes of this part.

16 (b) A groundwater sustainability agency may adopt rules,
17 regulations, ordinances, and resolutions for the purpose of this
18 part, in compliance with any procedural requirements applicable
19 to the adoption of a rule, regulation, ordinance, or resolution by
20 the groundwater sustainability agency.

21 (c) In addition to any other applicable procedural requirements,
22 the groundwater sustainability agency shall provide notice of the
23 proposed adoption of the groundwater sustainability plan on its
24 Internet Web site and provide for electronic notice to any person
25 who requests electronic notification.

26 10725.4. (a) A groundwater sustainability agency may conduct
27 an investigation for the purposes of this part, including, but not
28 limited to, investigations for the following:

29 (1) To determine the need for groundwater management.

30 (2) To prepare and adopt a groundwater sustainability plan and
31 implementing rules and regulations.

32 (3) To propose and update fees.

33 (4) To monitor compliance and enforcement.

34 (b) An investigation may include surface waters and surface
35 water rights as well as groundwater and groundwater rights.

36 (c) In connection with an investigation, a groundwater
37 sustainability agency may inspect the property or facilities of a
38 person or entity to ascertain whether the purposes of this part are
39 being met and compliance with this part. The local agency may
40 conduct an inspection pursuant to this section upon obtaining any

1 necessary consent or obtaining an inspection warrant pursuant to
2 the procedure set forth in Title 13 (commencing with Section
3 1822.50) of Part 3 of the Code of Civil Procedure.

4 10725.6. A groundwater sustainability agency may require
5 registration of a groundwater extraction facility within the
6 management area of the groundwater sustainability agency.

7 10725.8. (a) A groundwater sustainability agency may require
8 through its groundwater sustainability plan that the use of every
9 groundwater extraction facility within the management area of the
10 groundwater sustainability agency be measured by a
11 water-measuring device satisfactory to the groundwater
12 sustainability agency.

13 (b) All costs associated with the purchase and installation of
14 the water-measuring device shall be borne by the owner or operator
15 of each groundwater extraction facility. The water measuring
16 devices shall be installed by the groundwater sustainability agency
17 or, at the groundwater sustainability agency's option, by the owner
18 or operator of the groundwater extraction facility. Water-measuring
19 devices shall be calibrated on a reasonable schedule as may be
20 determined by the groundwater sustainability agency.

21 (c) A groundwater sustainability agency may require, through
22 its groundwater sustainability plan, that the owner or operator of
23 a groundwater extraction facility within the groundwater
24 sustainability agency file an annual statement with the groundwater
25 sustainability agency setting forth the total extraction in acre-feet
26 of groundwater from the facility during the previous water year.

27 (d) In addition to the measurement of groundwater extractions
28 pursuant to subdivision (a), a groundwater sustainability agency
29 may use any other reasonable method to determine groundwater
30 extraction.

31 (e) This section does not apply to ~~de minimus~~ *de minimis* extractors.

32 10726. An entity within the area of a groundwater sustainability
33 plan shall only divert surface water to underground storage
34 consistent with the plan and shall report the diversion to
35 underground storage to the groundwater sustainability agency for
36 the relevant portion of the basin.

37 10726.2. A groundwater sustainability agency may do the
38 following:

39 (a) Acquire by grant, purchase, lease, gift, devise, contract,
40 construction, or otherwise, and hold, use, enjoy, sell, let, and

1 dispose of, real and personal property of every kind, including
2 lands, water rights, structures, buildings, rights-of-way, easements,
3 and privileges, and construct, maintain, alter, and operate any and
4 all works or improvements, within or outside the agency, necessary
5 or proper to carry out any of the purposes of this part.

6 (b) Appropriate and acquire surface water or groundwater and
7 surface water or groundwater rights, import surface water or
8 groundwater into the agency, and conserve and store within or
9 outside the agency that water for any purpose necessary or proper
10 to carry out the provisions of this part, including, but not limited
11 to, the spreading, storing, retaining, or percolating into the soil of
12 the waters for subsequent use or in a manner consistent with the
13 provisions of Section 10727.2. As part of this authority, the agency
14 may validate an existing groundwater conjunctive use or storage
15 program upon a finding that the program would aid or assist the
16 agency in developing or implementing a groundwater sustainability
17 plan.

18 (c) Provide for a program of voluntary fallowing of agricultural
19 lands or validate an existing program.

20 (d) Perform any acts necessary or proper to enable the agency
21 to purchase, transfer, deliver, or exchange water or water rights of
22 any type with any person that may be necessary or proper to carry
23 out any of the purposes of this part, including, but not limited to,
24 providing surface water in exchange for a groundwater extractor's
25 agreement to reduce or cease groundwater extractions. The agency
26 shall not deliver retail water supplies within the service area of a
27 public water system without either the consent of that system or
28 authority under the agency's existing authorities.

29 (e) Transport, reclaim, purify, desalinate, treat, or otherwise
30 manage and control polluted water, wastewater, or other waters
31 for subsequent use in a manner that is necessary or proper to carry
32 out the purposes of this part.

33 (f) Commence, maintain, intervene in, defend, compromise,
34 and assume the cost and expenses of any and all actions and
35 proceedings.

36 10726.4. (a) A groundwater sustainability agency shall have
37 the following additional authority and may regulate groundwater
38 ~~pumping~~ *extraction* using that authority:

39 (1) To impose spacing requirements on new groundwater well
40 construction to minimize well interference and impose reasonable

1 operating regulations on existing groundwater wells to minimize
2 well interference, including requiring ~~pumpers~~ *extractors* to operate
3 on a rotation basis.

4 (2) To control groundwater extractions by regulating, limiting,
5 or suspending extractions from individual groundwater wells or
6 extractions from groundwater wells in the aggregate, ~~the~~
7 construction of new groundwater wells, ~~the enlarging~~ *enlargement*
8 of existing groundwater wells, ~~the~~ or reactivation of abandoned
9 groundwater wells, or otherwise establishing groundwater
10 extraction allocations. A limitation on extractions by a groundwater
11 sustainability agency shall not be construed to be a final
12 determination of rights to extract groundwater from the basin or
13 any portion of the basin.

14 (3) To authorize temporary and permanent transfers of
15 groundwater extraction allocations within the agency's boundaries,
16 if the total quantity of groundwater extracted in any water year is
17 consistent with the provisions of the groundwater sustainability
18 plan.

19 (4) To establish accounting rules to allow unused groundwater
20 extraction allocations issued by the agency to be carried over from
21 one year to another and voluntarily transferred, if the total quantity
22 of groundwater extracted in any five-year period is consistent with
23 the provisions of the groundwater sustainability plan.

24 ~~(b) Nothing in this section shall be construed to grant a~~
25 ~~groundwater sustainability agency the authority to issue permits~~
26 ~~for the construction, modification, or abandonment of groundwater~~
27 ~~wells. A county may authorize a groundwater sustainability agency~~
28 ~~to issue permits for the construction, modification, or abandonment~~
29 ~~of groundwater wells.~~

30 *(b) This section does not authorize a groundwater sustainability*
31 *agency to issue permits for the construction, modification, or*
32 *abandonment of groundwater wells, except as authorized by a*
33 *county with authority to issue those permits.*

34 10726.6. (a) A groundwater sustainability agency that adopts
35 a groundwater sustainability plan may file an action to determine
36 the validity of the plan pursuant to Chapter 9 (commencing with
37 Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

38 (b) Subject to Sections 394 and 397 of the Code of Civil
39 Procedure, the venue for an action pursuant to this section shall

1 be the county in which the principal office of the groundwater
2 management agency is located.

3 (c) Any judicial action or proceeding to attack, review, set aside,
4 void, or annul the ordinance or resolution imposing a new, or
5 increasing an existing, fee imposed pursuant to Section 10730,
6 10730.2, or 10730.4 shall be brought pursuant to Section 66022
7 of the Government Code.

8 (d) Any person may pay a fee imposed pursuant to Section
9 10730, 10730.2, or 10730.4 under protest and bring an action
10 against the governing body in the superior court to recover any
11 money that the governing body refuses to refund. Payments made
12 and actions brought under this section shall be made and brought
13 in the manner provided for the payment of taxes under protest and
14 actions for refund of that payment in Article 2 (commencing with
15 Section 5140) of Chapter 5 of Part 9 of Division 1 of the Revenue
16 and Taxation Code, as applicable.

17 (e) Except as otherwise provided in this section, actions by a
18 groundwater sustainability agency are subject to judicial review
19 pursuant to Section 1085 of the Code of Civil Procedure.

20 10726.8. (a) This part is in addition to, and not a limitation
21 on, the authority granted to a local agency under any other law.
22 The local agency may use the local agency's authority under any
23 other law to apply and enforce any requirements of this part,
24 including, but not limited to, the collection of fees.

25 (b) Nothing in this part is a limitation on the authority of the
26 board, the department, or the State Department of Public Health.

27 (c) This part does not authorize a local agency to impose any
28 requirement or impose any penalty or fee on the state or any
29 agency, department, or officer of the state. State agencies and
30 departments shall work cooperatively with a local agency on a
31 voluntary basis.

32

33 CHAPTER 6. GROUNDWATER SUSTAINABILITY PLANS

34

35 10727. (a) A groundwater sustainability plan shall be
36 developed and implemented for each medium- or high-priority
37 basin by a groundwater sustainability agency to meet the
38 sustainability goal established pursuant to this part. The
39 groundwater sustainability plan may incorporate, extend, or be

1 based on a plan adopted pursuant to Part 2.75 (commencing with
2 Section 10750).

3 (b) A groundwater sustainability plan may be any of the
4 following:

5 (1) A single plan covering the entire basin developed and
6 implemented by one groundwater sustainability agency.

7 (2) A single plan covering the entire basin developed and
8 implemented by multiple groundwater sustainability agencies.

9 (3) Subject to Section 10727.6, multiple plans implemented by
10 multiple groundwater sustainability agencies and coordinated
11 pursuant to a single coordination agreement that covers the entire
12 basin.

13 10727.2. A groundwater sustainability plan shall include all
14 of the following:

15 (a) A description of the physical setting and characteristics of
16 the aquifer system underlying the basin that includes the following:

17 (1) Historical data, to the extent available.

18 (2) Groundwater levels, groundwater quality, subsidence, and
19 groundwater-surface water interaction.

20 (3) A general discussion of historical and projected water
21 demands and supplies.

22 (4) A map that details the area of the basin and the boundaries
23 of the groundwater sustainability agencies that overlie the basin
24 that have or are developing groundwater sustainability plans.

25 (5) A map identifying existing and potential recharge areas for
26 the basin. The map or maps shall identify the existing recharge
27 areas that substantially contribute to the replenishment of the
28 groundwater basin. The map or maps shall be provided to the
29 appropriate local planning agencies after adoption of the
30 groundwater sustainability plan.

31 (b) (1) Measurable objectives, as well as interim milestones in
32 increments of five years, to achieve the sustainability goal in the
33 basin within 20 years of the implementation of the plan.

34 (2) A description of how the plan helps meet each objective and
35 how each objective is intended to achieve the sustainability goal
36 for the basin for long-term beneficial uses of groundwater.

37 (3) (A) Notwithstanding paragraph (1), at the request of the
38 groundwater sustainability agency, the department may grant an
39 extension of up to ~~10~~ 5 years beyond the 20-year sustainability
40 timeframe upon a showing of good cause. *The department may*

1 *grant a second extension of up to five years upon a showing of*
2 *good cause if the groundwater sustainability agency has begun*
3 *implementation of the work plan described in clause (iii) of*
4 *subparagraph (B).*

5 *(B) The department may grant an extension pursuant to this*
6 *paragraph if the groundwater sustainability agency does all of the*
7 *following:*

8 *(i) Demonstrates a need for an extension.*

9 *(ii) Has made progress toward meeting the sustainability goal*
10 *as demonstrated by its progress at achieving the milestones*
11 *identified in its groundwater sustainability plan.*

12 *(iii) Adopts a feasible work plan for meeting the sustainability*
13 *goal during the extension period.*

14 *(4) The plan may, but is not required to, address undesirable*
15 *results that occurred before, and have not been corrected by,*
16 *January 1, 2015. Notwithstanding paragraphs (1) to (3), inclusive,*
17 *a groundwater sustainability agency has discretion as to whether*
18 *to set measurable objectives and the timeframes for achieving any*
19 *objectives for undesirable results that occurred before, and have*
20 *not been corrected by, January 1, 2015.*

21 *(c) A planning and implementation horizon of 50 years. horizon.*

22 *(d) Components relating to the following, as applicable to the*
23 *basin:*

24 *(1) The monitoring and management of groundwater levels*
25 *within the basin.*

26 *(2) The monitoring and management of groundwater quality,*
27 *groundwater quality degradation, inelastic land surface subsidence,*
28 *and changes in surface flow and surface water quality that directly*
29 *affect groundwater levels or quality or are caused by groundwater*
30 *pumping extraction in the basin.*

31 *(3) Mitigation of overdraft.*

32 *(4) How recharge areas identified in the plan substantially*
33 *contribute to the replenishment of the basin.*

34 *(e) A summary of the type of monitoring sites, type of*
35 *measurements, and the frequency of monitoring for each location*
36 *monitoring groundwater levels, groundwater quality, subsidence,*
37 *streamflow, precipitation, evaporation, and tidal influence. The*
38 *plan shall include a summary of monitoring information such as*
39 *well depth, screened intervals, and aquifer zones monitored, and*
40 *a summary of the type of well relied on for the information,*

1 including public, irrigation, domestic, industrial, and monitoring
2 wells.

3 (f) Monitoring protocols that are designed to detect changes in
4 groundwater levels, groundwater quality, inelastic surface
5 subsidence for basins for which subsidence has been identified as
6 a potential problem, and flow and quality of surface water that
7 directly affect groundwater levels or quality or are caused by
8 groundwater ~~pumping~~ *extraction* in the basin. The monitoring
9 protocols shall be designed to generate information that promotes
10 efficient and effective groundwater management.

11 (g) *A description of the various adopted water resources-related*
12 *plans and programs within the basin and an assessment of how*
13 *the groundwater sustainability plan may affect those plans.*

14 10727.4. In addition to the requirements of Section 10727.2,
15 a groundwater sustainability plan shall include, where appropriate
16 and in collaboration with the appropriate local agencies, all of the
17 following:

18 (a) Control of saline water intrusion.
19 (b) Wellhead protection areas and recharge areas.
20 (c) Migration of contaminated groundwater.
21 (d) A well abandonment and well destruction program.
22 (e) Replenishment of groundwater extractions.
23 (f) Activities implementing, opportunities for, and impediments
24 to, conjunctive use.

25 (g) Well construction policies.

26 (h) Measures addressing groundwater contamination cleanup,
27 recharge, diversions to storage, conservation, water recycling,
28 conveyance, and extraction projects.

29 (i) Efficient water management practices, as defined in Section
30 10902, for the delivery of water and water conservation methods
31 to improve the efficiency of water use.

32 (j) Efforts to develop relationships with state and federal
33 regulatory agencies.

34 (k) Processes to review land use plans and efforts to coordinate
35 with land use planning agencies to assess activities that potentially
36 create risks to groundwater quality or quantity.

37 (l) *Impacts on groundwater dependent ecosystems.*

38 10727.6. Groundwater sustainability agencies intending to
39 develop and implement multiple groundwater sustainability plans
40 pursuant to paragraph (3) of subdivision (b) of Section 10727 shall

1 coordinate with other agencies preparing a groundwater
2 sustainability plan within the basin to ensure that the plans utilize
3 the same data *and methodologies* for the following assumptions
4 in developing the plan:

- 5 (a) Groundwater elevation data.
- 6 (b) Groundwater extraction data.
- 7 (c) Surface water supply.
- 8 (d) Total water use.
- 9 (e) Change in groundwater storage.
- 10 (f) Water budget.
- 11 (g) Sustainable yield.

12 10727.8. Prior to initiating the development of a groundwater
13 sustainability plan, the groundwater sustainability agency shall
14 make available to the public and the department a written statement
15 describing the manner in which interested parties may participate
16 in the development and implementation of the groundwater
17 sustainability plan. *The groundwater sustainability agency shall*
18 *provide the written statement to the legislative body of any city,*
19 *county, or city and county located within the geographic area to*
20 *be covered by the plan.* The groundwater sustainability agency
21 may appoint and consult with an advisory committee consisting
22 of interested parties for the purposes of developing and
23 implementing a groundwater sustainability plan. The groundwater
24 sustainability agency shall encourage the active involvement of
25 diverse social, cultural, and economic elements of the population
26 within the groundwater basin prior to and during the development
27 and implementation of the groundwater sustainability plan.

28 ~~10728. (a) Except as provided in subdivision (b), a~~
29 ~~groundwater sustainability agency shall certify that its plan~~
30 ~~complies with this part no later than January 31, 2020, and every~~
31 ~~five years thereafter. A groundwater sustainability agency shall~~
32 ~~submit this certification to the department within 30 days of the~~
33 ~~certification.~~

34 ~~(b) (1) The department may review the submissions made~~
35 ~~pursuant to this section and Section 10733.6 and may request the~~
36 ~~supporting information on which the certification pursuant to~~
37 ~~subdivision (a) relied upon or the other documentation relied upon~~
38 ~~pursuant to subdivision (b) of Section 10733.6. The department~~
39 ~~may issue findings concerning the validity of the certification or~~
40 ~~other submission.~~

1 ~~(2) Before issuing findings pursuant to paragraph (1), the~~
2 ~~department shall transmit a draft of its findings to the submitting~~
3 ~~agency and shall consult with that agency. The submitting agency~~
4 ~~may submit a response to the department within 60 days of~~
5 ~~receiving the department's draft findings.~~

6 ~~(3) If the department's findings issued pursuant to paragraph~~
7 ~~(1) concern the compliance of a plan with requirements for~~
8 ~~sustainable groundwater management or the operation of a basin~~
9 ~~consistent with the basin's sustainable yield, the submitting agency,~~
10 ~~within 90 days of receipt, shall consider amendments to its plan~~
11 ~~or technical analysis to address the department's findings.~~

12 *10728. On the January 1 following the adoption of a*
13 *groundwater sustainability plan and annually on each January 1*
14 *thereafter, a groundwater sustainability agency shall submit a*
15 *report to the department containing the following information*
16 *about the basin managed in the groundwater sustainability plan:*

17 *(a) Groundwater elevation data.*

18 *(b) Annual aggregated data identifying groundwater extraction*
19 *for the preceding water year.*

20 *(c) Surface water supply used for or available for use for*
21 *groundwater recharge or in-lieu use.*

22 *(d) Total water use.*

23 *(e) Change in groundwater storage.*

24 *10728.2. A groundwater sustainability agency shall periodically*
25 *evaluate its groundwater sustainability plan, assess changing*
26 *conditions in the basin that may warrant modification of the plan*
27 *or management objectives, and may adjust components in the plan.*
28 *An evaluation of the plan shall focus on determining whether the*
29 *actions under the plan are meeting the plan's management*
30 *objectives and whether those objectives are meeting the*
31 *sustainability goal in the basin.*

32 *10728.4. A groundwater sustainability agency may adopt or*
33 *amend a groundwater sustainability plan if the groundwater*
34 *sustainability agency holds a public hearing and more than 90 days*
35 *have passed since the groundwater sustainability agency provided*
36 *after a public hearing, held at least 90 days after providing notice*
37 *to a city or county within the area of the proposed plan or*
38 *amendment. The groundwater sustainability agency shall obtain*
39 *comments from any city or county that receives notice pursuant*
40 *to this section and shall consult with a city or county that requests*

1 consultation within 30 days of receipt of the notice. Nothing in
2 this section is intended to preclude an agency and a city or county
3 from otherwise consulting or commenting regarding the adoption
4 or amendment of a plan.

5 *10728.6. Division 13 (commencing with Section 21000) of the*
6 *Public Resources Code does not apply to the preparation and*
7 *adoption of plans pursuant to this chapter. Nothing in this part*
8 *shall be interpreted as exempting from Division 13 (commencing*
9 *with Section 21000) of the Public Resources Code a project that*
10 *would implement actions taken pursuant to a plan adopted*
11 *pursuant to this chapter or a project that would significantly affect*
12 *water supplies for fish and wildlife.*

13
14 CHAPTER 7. TECHNICAL ASSISTANCE
15

16 10729. (a) The department or a groundwater sustainability
17 agency may provide technical assistance to entities that extract or
18 use groundwater to promote water conservation and protect
19 groundwater resources.

20 (b) The department may provide technical assistance to any
21 groundwater sustainability agency in response to that agency's
22 request for assistance in the development and implementation of
23 a groundwater sustainability plan. The department shall use its
24 best efforts to provide the requested assistance.

25 (c) (1) By January 1, 2017, the department shall publish on its
26 Internet Web site best management practices for the sustainable
27 management of groundwater.

28 (2) The department shall develop the best management practices
29 through a public process involving one public meeting conducted
30 at a location in northern California, one public meeting conducted
31 at a location in the San Joaquin Valley, one public meeting
32 conducted at a location in southern California, and one public
33 meeting of the California Water Commission.

34
35 CHAPTER 8. FINANCIAL AUTHORITY
36

37 10730. (a) A groundwater sustainability agency may impose
38 fees, including, but not limited to, permit fees and fees on
39 groundwater extraction or other regulated activity, to fund the costs
40 of a groundwater sustainability program, including, but not limited

1 to, preparation, adoption, and amendment of a groundwater
2 sustainability plan, and ~~program administration~~, investigations,
3 inspections, compliance assistance, and ~~enforcement~~. *enforcement,*
4 *and program administration, including a prudent reserve.* A
5 groundwater sustainability agency shall not impose a fee pursuant
6 to this subdivision on a ~~de-minimus~~ *minimis* extractor unless the
7 agency has regulated the users pursuant to this part.

8 (b) (1) Prior to imposing or increasing a fee, a groundwater
9 sustainability agency shall hold at least one ~~open and~~ public
10 meeting, at which oral or written presentations may be made as
11 part of the meeting.

12 (2) Notice of the time and place of the meeting shall include a
13 general explanation of the matter to be considered and a statement
14 that the data required by this section is available. The notice shall
15 ~~be mailed at least 14 days prior to the meeting to each record owner~~
16 ~~of property within the basin~~ *provided by publication pursuant to*
17 *Section 6066 of the Government Code, by posting notice on the*
18 *Internet Web site of the groundwater sustainability agency, and*
19 *by mail to any interested party who files a written request with the*
20 *agency for mailed notice of the meeting on new or increased fees.*
21 A written request for mailed notices shall be valid for one year
22 from the date that the request is made and may be renewed by
23 making a written request on or before April 1 of each year.

24 (3) At least 10 days prior to the meeting, the groundwater
25 sustainability agency shall make available to the public data upon
26 which the proposed fee is based.

27 (c) Any action by a groundwater sustainability agency to impose
28 or increase a fee shall be taken only by ordinance or resolution.

29 (d) (1) As an alternative method for the collection of fees
30 imposed pursuant to this section, a groundwater ~~management~~
31 *sustainability* agency may adopt a resolution requesting collection
32 of the fees in the same manner as ordinary municipal ad valorem
33 taxes.

34 (2) A resolution described in paragraph (1) shall be adopted and
35 furnished to the county auditor-controller and board of supervisors
36 on or before August 1 of each year that the alternative collection
37 of the fees is being requested. The resolution shall include a list
38 of parcels and the amount to be collect for each parcel.

1 (e) The power granted by this section is in addition to any
2 powers a groundwater sustainability agency has under any other
3 law.

4 10730.2. (a) A groundwater sustainability agency that adopts
5 a groundwater sustainability plan pursuant to this part may impose
6 fees on the extraction of groundwater from the basin to fund costs
7 of groundwater management, including, but not limited to, the
8 costs of the following:

9 (1) Administration, operation, ~~maintenance, and acquisition of~~
10 ~~lands or other property, facilities, and services.~~ *and maintenance,*
11 *including a prudent reserve.*

12 (2) *Acquisition of lands or other property, facilities, and*
13 *services.*

14 ~~(2)~~

15 (3) Supply, production, treatment, or distribution of water.

16 ~~(3)~~

17 (4) Other activities necessary or convenient to implement the
18 plan.

19 (b) ~~Fees may be implemented pursuant to Part 2.75~~
20 ~~(commencing with Section 10750) Until a groundwater~~
21 ~~sustainability plan is adopted pursuant to this part, a local agency~~
22 ~~may impose fees in accordance with the procedures provided in~~
23 ~~this section for the purposes of Part 2.75 (commencing with Section~~
24 ~~10750) as long as a groundwater management plan adopted before~~
25 ~~January 1, 2015, is in effect for the basin.~~

26 (c) Fees imposed pursuant to this section shall be adopted in
27 accordance with subdivisions (a) and (b) of Section 6 of Article
28 XIII D of the California Constitution.

29 (d) Fees imposed pursuant to this section may include fixed fees
30 and fees charged on a volumetric basis, including, but not limited
31 to, fees that increase based on the quantity of groundwater produced
32 annually, the year in which the production of groundwater
33 commenced from a groundwater extraction facility, and impacts
34 to the basin.

35 (e) The power granted by this section is in addition to any
36 powers a groundwater sustainability agency has under any other
37 law.

38 10730.4. A groundwater sustainability agency may fund
39 activities pursuant to Part 2.75 (commencing with Section 10750)
40 and may impose fees pursuant to Section ~~10732.5~~ 10730.2 to fund

1 activities undertaken by the agency pursuant to Part 2.75
2 (commencing with Section 10750).

3 10730.6. (a) A groundwater fee levied pursuant to this chapter
4 shall be due and payable to the groundwater sustainability agency
5 by each owner or operator on a day established by the groundwater
6 sustainability agency.

7 (b) If an owner or operator knowingly fails to pay a groundwater
8 fee within 30 days of it becoming due, the owner or operator shall
9 be liable to the groundwater sustainability agency for interest at
10 the rate of 1 percent per month on the delinquent amount of the
11 groundwater fee and a 10 percent penalty.

12 (c) The groundwater sustainability agency may bring a suit in
13 the court having jurisdiction against any owner or operator of a
14 groundwater extraction facility within the area covered by the plan
15 for the collection of any delinquent groundwater fees, interest, or
16 penalties imposed under this chapter. If the groundwater
17 sustainability agency seeks an attachment against the property of
18 any named defendant in the suit, the groundwater sustainability
19 agency shall not be required to furnish a bond or other undertaking
20 as provided in Title 6.5 (commencing with Section 481.010) of
21 Part 2 of the Code of Civil Procedure.

22 (d) In the alternative to bringing a suit pursuant to subdivision
23 (c), a groundwater sustainability agency may collect any delinquent
24 groundwater charge and any civil penalties and interest on the
25 delinquent groundwater charge pursuant to the laws applicable to
26 the local agency or, if a joint powers authority, to the entity
27 designated pursuant to Section 6509 of the Government Code. The
28 collection shall be in the same manner as it would be applicable
29 to the collection of delinquent assessments, water charges, or tolls.

30 (e) As an additional remedy, a groundwater sustainability
31 agency, after a public hearing, may order an owner or operator to
32 cease extraction of groundwater until all delinquent fees are paid.
33 The groundwater sustainability agency shall give notice to the
34 owner or operator by certified mail not less than 15 days in advance
35 of the public hearing.

36 (f) The remedies specified in this section for collecting and
37 enforcing fees are cumulative and may be pursued alternatively
38 or may be used consecutively as determined by the governing
39 body.

1 10730.8. (a) Nothing in this chapter shall affect or interfere
2 with the authority of a groundwater sustainability agency to levy
3 and collect taxes, assessments, charges, and tolls as otherwise
4 provided by law.

5 (b) For the purposes of Section 6254.16 of the Government
6 Code, persons subject to payment of fees pursuant to this chapter
7 are utility customers of a groundwater sustainability agency.

8 10731. (a) ~~If there is reasonable cause to believe that the~~
9 ~~production of groundwater from any groundwater extraction facility~~
10 ~~is in excess of that disclosed by the statements covering the facility~~
11 ~~or if no statement is filed covering the facility, the governing body~~
12 ~~may cause an investigation and report to be made concerning the~~
13 ~~production of groundwater from that groundwater extraction~~
14 ~~facility that includes, but is not limited to, the accuracy of the~~
15 ~~water-measuring device. The~~ *Following an investigation pursuant*
16 *to Section 10725.4, the governing body may make a determination*
17 *fixing the amount of groundwater production from the groundwater*
18 *extraction facility at an amount not to exceed the maximum*
19 *production capacity of the facility for purposes of levying a*
20 *groundwater charge. If a water-measuring device is permanently*
21 *attached to the groundwater extraction facility, the record of*
22 *production as disclosed by the water-measuring device shall be*
23 *presumed to be accurate unless the contrary is established by the*
24 *groundwater-management sustainability agency after investigation.*

25 (b) After the governing body makes a determination fixing the
26 amount of groundwater production pursuant to subdivision (a), a
27 written notice of the determination shall be mailed to the owner
28 or operator of the groundwater extraction facility at the address as
29 shown by the groundwater-management sustainability agency's
30 records. A determination made by the governing body shall be
31 conclusive on the owner or operator and the groundwater charges,
32 based on the determination together with any interest and penalties,
33 shall be payable immediately unless within ~~10~~ 20 days after the
34 mailing of the notice the owner or operator files with the governing
35 body a written protest setting forth the ground for protesting the
36 amount of production or the groundwater charges, interest, and
37 penalties. If a protest is filed pursuant to this subdivision, the
38 governing body shall hold a hearing to determine the total amount
39 of the groundwater production and the groundwater charges,
40 interest, and penalties. ~~The determination by the governing body~~

1 ~~at the hearing shall be conclusive if based upon substantial~~
 2 ~~evidence.~~ Notice of the hearing shall be mailed to each protestant
 3 at least ~~10~~ 20 days before the date fixed for the hearing. Notice of
 4 the determination of the governing body hearing shall be mailed
 5 to each protestant. The owner or operator shall have 20 days from
 6 the date of mailing of the determination to pay the groundwater
 7 charges, interest, and penalties determined by the governing body.

8
 9 CHAPTER 9. GROUNDWATER SUSTAINABILITY AGENCY
 10 ENFORCEMENT POWERS
 11

12 10732. (a) (1) A person who extracts groundwater in excess
 13 of the amount that person is authorized to extract under a rule,
 14 regulation, ordinance, or resolution adopted pursuant to Section
 15 10725.2, shall be subject to a civil penalty not to exceed five
 16 hundred dollars (\$500) per acre-foot extracted in excess of the
 17 amount that person is authorized to extract. Liability under this
 18 subdivision is in addition to any liability imposed under paragraph
 19 (2) and any fee imposed for the extraction.

20 (2) A person who violates any rule, regulation, ordinance, or
 21 resolution adopted pursuant to Section ~~10724.2~~ 10725.2 shall be
 22 liable for a civil penalty not to exceed one thousand dollars
 23 (\$1,000) plus one hundred dollars (\$100) for each additional day
 24 on which the violation continues if the person fails to comply
 25 within 30 days after the local agency has notified the person of the
 26 violation.

27 (b) (1) A groundwater sustainability agency may bring an action
 28 in the superior court to determine whether a violation occurred
 29 and to impose a civil penalty described in subdivision (a).

30 (2) A groundwater sustainability agency may administratively
 31 impose a civil penalty described in subdivision (a) after providing
 32 notice and an opportunity for a hearing.

33 (3) In determining the amount of the penalty, the superior court
 34 or the groundwater sustainability agency shall take into
 35 consideration all relevant circumstances, including, but not limited
 36 to, the nature and persistence of the violation, the extent of the
 37 harm caused by the violation, the length of time over which the
 38 violation occurs, and any corrective action taken by the violator.

1 (c) A penalty imposed pursuant to this section shall be paid to
2 the groundwater sustainability agency and shall be expended solely
3 for purposes of this part.

4 (d) Penalties imposed pursuant to this section are in addition to
5 any civil penalty or criminal fine under any other law.

6
7 CHAPTER 10. STATE EVALUATION AND ASSESSMENT
8

9 10733. (a) The department shall periodically review the
10 groundwater sustainability plans developed by groundwater
11 sustainability agencies pursuant to this part to evaluate whether a
12 plan conforms with Sections 10727.2 and 10727.4 and is likely to
13 achieve the sustainability goal for the basin covered by the
14 groundwater sustainability plan.

15 (b) If a groundwater sustainability agency develops multiple
16 groundwater sustainability plans for a basin, the department shall
17 evaluate whether the plans conform with Sections 10727.2,
18 10727.4, and 10727.6 and are together likely to achieve the
19 sustainability goal for the basin covered by the groundwater
20 sustainability plans.

21 10733.2. (a) (1) By June 1, 2016, the department, in
22 consultation with the board, shall develop guidelines for evaluating
23 groundwater sustainability plans and groundwater sustainability
24 programs *plans, the implementation of groundwater sustainability*
25 *plans, and coordination agreements* pursuant to this chapter.

26 (b)

27 (2) The guidelines shall identify the necessary plan components
28 specified in Sections ~~10727.2 and 10727.4~~ *10727.2, 10727.4, and*
29 *10727.6* and other information that will assist local agencies in
30 developing and implementing groundwater sustainability plans
31 and groundwater sustainability programs. *plans and coordination*
32 *agreements.*

33 (c)

34 (b) The department may update the guidelines, including to
35 incorporate the best management practices identified pursuant to
36 Section 10729.

37 (c) *By June 1, 2016, the department, in consultation with the*
38 *board, shall develop guidelines for evaluating alternatives*
39 *submitted pursuant to Section 10733.6.*

1 (d) The guidelines required pursuant to this section are exempt
2 from Chapter 3.5 (commencing with Section 11340) of Part 1 of
3 Division 3 of Title 2 of the Government Code. The establishment
4 of guidelines pursuant to this section shall instead be accomplished
5 by means of a public process ~~reasonably calculated to give that~~
6 ~~gives~~ interested persons an opportunity to be heard.

7 10733.4. (a) Upon ~~completion~~ *adoption* of a groundwater
8 sustainability plan, a groundwater sustainability agency shall
9 submit the groundwater sustainability plan to the department for
10 review pursuant to this chapter.

11 (b) If groundwater sustainability agencies develop multiple
12 groundwater sustainability plans for a basin, the submission
13 required by subdivision (a) shall not occur until the entire basin is
14 covered by groundwater sustainability plans. When the entire basin
15 is covered by groundwater sustainability plans, the groundwater
16 sustainability agencies shall jointly submit to the department all
17 of the following:

18 (1) The groundwater sustainability plans.

19 (2) An explanation of how the groundwater sustainability plans
20 implemented together satisfy ~~Section 10729~~ *Sections 10727.2,*
21 *10727.4, and 10727.6* for the entire basin.

22 (3) A copy of the coordination agreement between the
23 groundwater sustainability agencies to ensure the coordinated
24 implementation of the groundwater sustainability plans for the
25 entire basin.

26 (c) Upon receipt of a groundwater sustainability plan, the
27 department shall post the plan on the department's Internet Web
28 site and provide 60 days for persons to submit comments to the
29 department about the plan.

30 (d) The department shall evaluate the groundwater sustainability
31 plan within two years of its submission by a groundwater
32 sustainability agency and issue an assessment of the plan. The
33 assessment may include recommended corrective actions to address
34 any deficiencies identified by the department.

35 ~~10733.6. (a) If there is not a groundwater sustainability plan~~
36 ~~for a basin, but a local agency believes that an alternative plan,~~
37 ~~such as a plan developed pursuant to Part 2.75 (commencing with~~
38 ~~Section 10750), satisfies the objectives of this part, the local agency~~
39 ~~may submit the alternative plan to the department for evaluation~~
40 ~~and assessment of whether the plan is the functional equivalent of~~

1 a groundwater sustainability plan pursuant to this part. In evaluating
2 an alternative plan, the department shall, to the extent feasible, use
3 the guidelines developed pursuant to Section 10733.2.

4 (b) ~~A basin shall be in compliance with this part if a groundwater
5 agency for a basin or other local agency submits to the department,
6 no later than January 31, 2020, and every five years thereafter, any
7 of the following documents:~~

8 ~~(1) A copy of a governing final judgment or other judicial order
9 or decree establishing a groundwater sustainability program for
10 the basin.~~

11 ~~(2) A report approved by a groundwater agency that shows that
12 current management or operations activities have been consistent
13 with the sustainable yield of the basin over a period of at least 10
14 years. The report shall be prepared by a registered professional
15 engineer or geologist who is licensed by the state and submitted
16 under that engineer's or geologist's seal. The report may
17 demonstrate compliance with the sustainability goal in the basin
18 by presenting a balanced water budget for the basin, a technical
19 analysis demonstrating stable groundwater levels over the relevant
20 period, or other sufficient technical analyses.~~

21 *10733.6. (a) If there is no groundwater sustainability plan for
22 a basin, but a local agency believes that an alternative described
23 in subdivision (b) satisfies the objectives of this part, the local
24 agency may submit the alternative to the department for evaluation
25 and assessment of whether the alternative satisfies the objectives
26 of this part.*

27 *(b) An alternative is any of the following:*

28 *(1) A plan developed pursuant to Part 2.75 (commencing with
29 Section 10750) or other law authorizing groundwater management.*

30 *(2) Management pursuant to an adjudication action.*

31 *(3) An analysis of basin conditions that demonstrates that the
32 basin has operated within its sustainable yield over a period of at
33 least 10 years. The submission of an alternative described by this
34 paragraph shall include a report prepared by a registered
35 professional engineer or geologist who is licensed by the state and
36 submitted under that engineer's or geologist's seal.*

37 *(c) A local agency shall submit an alternative pursuant to this
38 section no later than January 1, 2017, and every five years
39 thereafter.*

1 (d) *The assessment required by subdivision (a) shall include an*
2 *assessment of whether the alternative is within a basin that is in*
3 *compliance with Part 2.11 (commencing with Section 10920). If*
4 *the alternative is within a basin that is not in compliance with Part*
5 *2.11 (commencing with Section 10920), the department shall find*
6 *the alternative does not satisfy the objectives of this part.*

7 10733.8. At least every five years after *initial* submission of a
8 *plan pursuant to Section 10733.4*, the department, in consultation
9 with the board, shall review any available groundwater
10 sustainability plan, alternative ~~plan~~ submitted in accordance with
11 Section ~~10729.6~~, 10733.6, and the implementation of the
12 corresponding groundwater sustainability program for consistency
13 with this part, including achieving the sustainability goal. The
14 department shall issue an assessment for each basin for which a
15 plan has been submitted in accordance with this ~~chapter~~. *chapter,*
16 *with an emphasis on assessing progress in achieving the*
17 *sustainability goal within the basin.* The assessment may include
18 recommended corrective actions to address any deficiencies
19 identified by the department.

20 10734. (a) Consistent with Section 3 of Article XIII A of the
21 California Constitution, the department shall adopt a schedule of
22 fees to recover costs incurred in carrying out this chapter.

23 (b) It is the intent of the Legislature to amend this measure to
24 adopt additional authority for the department to implement the fee
25 authority provided by this section.

26
27 CHAPTER 11. STATE INTERVENTION
28

29 10735. As used in this chapter, the following terms have the
30 following meanings:

31 (a) “Condition of long-term overdraft” means the condition of
32 a groundwater basin where the average annual amount of water
33 extracted for a long-term period, generally 10 years or more,
34 exceeds the long-term average annual supply of water to the basin,
35 plus any temporary surplus. Overdraft during a period of drought
36 is not sufficient to establish a condition of long-term overdraft if
37 extractions and recharge are managed as necessary to ensure that
38 reductions in groundwater levels or storage during a period of
39 drought are offset by increases in groundwater levels or storage
40 during other periods.

1 (b) "Person" means any person, firm, association, organization,
2 partnership, business, trust, corporation, limited liability company,
3 or public agency, including any city, county, city and county,
4 district, joint powers authority, state, or any agency or department
5 of those entities. "Person" includes, to the extent authorized by
6 federal law, the United States, a department, agency or
7 instrumentality of the federal government, an Indian tribe, an
8 authorized Indian tribal organization, or interstate body.

9 (c) "Probationary basin" means a basin for which the board has
10 issued a determination under ~~this section~~. *Section 10735.2.*

11 (d) "Significant depletions of interconnected surface waters"
12 means reductions in flow or levels of a surface water that is
13 hydrologically connected to the basin such that the reduced surface
14 water flow or level adversely affects beneficial uses of the surface
15 water.

16 10735.2. (a) The board, after notice and a public hearing, may
17 designate a basin as a probationary basin, if the board finds one
18 or more of the following applies to the basin:

19 (1) After January 1, 2017, none of the following have occurred:

20 (A) ~~No~~ A local agency has elected to be a groundwater
21 sustainability agency that intends to develop a groundwater
22 sustainability plan for the entire basin.

23 (B) ~~No~~ A collection of local agencies has formed a groundwater
24 sustainability agency or prepared agreements to develop one or
25 more groundwater sustainability plans that will collectively serve
26 as a groundwater sustainability plan for the entire basin.

27 ~~(C) There is no plan developed pursuant to Part 2.75~~
28 ~~(commencing with Section 10750) that satisfies the objectives of~~
29 ~~this part.~~

30 ~~(D) There is no report approved by a groundwater agency that~~
31 ~~shows that current management or operations activities have been~~
32 ~~consistent with the sustainable yield of the basin over a period of~~
33 ~~at least 10 years, as described in paragraph (2) of subdivision (b)~~
34 ~~of Section 10733.6.~~

35 *(C) A local agency has submitted an alternative that has been*
36 *approved or is pending approval pursuant to Section 10733.6. If*
37 *the department disapproves an alternative pursuant to Section*
38 *10733.6, the board shall not act under this paragraph until at least*
39 *180 days after the department disapproved the alternative.*

40 (2) After January 31, 2020, none of the following have occurred:

1 (A) ~~No~~ A groundwater sustainability agency has adopted a
2 groundwater sustainability plan for the entire basin.

3 (B) ~~No~~ A collection of local agencies have adopted groundwater
4 sustainability plans that collectively serve as a groundwater
5 sustainability plan for the entire basin.

6 (C) The department has ~~not determined that a local agency has~~
7 ~~a functional equivalent as described in Section 10733.6.~~ *approved*
8 *an alternative pursuant to Section 10733.6.*

9 ~~(D) There is no report approved by a groundwater agency that~~
10 ~~shows that current management or operations activities have been~~
11 ~~consistent with the sustainable yield of the basin over a period of~~
12 ~~at least 10 years, as described in paragraph (2) of subdivision (b)~~
13 ~~of Section 10733.6.~~

14 (3) After January 31, 2020, ~~either both~~ of the following have
15 occurred:

16 (A) ~~The department has determined~~ *department, in consultation*
17 *with the board, determines* that a groundwater sustainability plan
18 is inadequate or that the groundwater sustainability program is not
19 being implemented in a manner that will likely achieve the
20 sustainability goal.

21 (B) *The board determines that the basin is in a condition of*
22 *long-term overdraft or in a condition where groundwater*
23 *extractions result in significant depletions of interconnected surface*
24 *waters.*

25 (b) ~~(1)~~ ~~In making the findings associated with subparagraph~~
26 ~~(A) of paragraph (3) of subdivision (a), the department and board~~
27 ~~may rely on periodic assessments the department has prepared~~
28 ~~pursuant to Chapter 10 (commencing with Section 10733). The~~
29 ~~board may request that the department conduct additional~~
30 ~~assessments utilizing the guidelines developed pursuant to Chapter~~
31 ~~10 (commencing with 10733) and make determinations pursuant~~
32 ~~to this section. The board shall post on its Internet Web site and~~
33 ~~provide at least 30 days for the public to comment on any~~
34 ~~determinations provided by the department pursuant to this~~
35 ~~subdivision.~~

36 ~~(2) The board shall consult with the department in assessing~~
37 ~~technical determinations pursuant to subparagraph (A) of paragraph~~
38 ~~(3) of subdivision (a).~~

39 ~~(c) The determination shall set an amount of groundwater~~
40 ~~extractions, for purposes of establishing the amount for which~~

1 reports of groundwater extraction are required under Part 5.2
2 (commencing with Section 5200) of Division 2, and may include
3 exclusions for certain classes or categories of extractions that are
4 likely to have a minimal impact on basin withdrawals.

5 (c) (1) *The determination may exclude a class or category of*
6 *extractions from the requirement for reporting pursuant to Part*
7 *5.2 (commencing with Section 5200) of Division 2 if those*
8 *extractions are likely to have a minimal impact on basin*
9 *withdrawals.*

10 (2) *The determination may require reporting of a class or*
11 *category of extractions that would otherwise be exempt from*
12 *reporting pursuant to paragraph (1) of subdivision (c) of Section*
13 *5202 if those extractions are likely to have a substantial impact*
14 *on basin withdrawals or requiring reporting of those extractions*
15 *is reasonably necessary to obtain information for purposes of this*
16 *chapter.*

17 (3) *The determination may establish requirements for*
18 *information required to be included in reports of groundwater*
19 *extraction, for installation of measuring devices, or for use of a*
20 *methodology, measuring device, or both, pursuant to Part 5.2*
21 *(commencing with Section 5200) of Division 2.*

22 (4) *The determination may modify the water year or reporting*
23 *date for a report of groundwater extraction pursuant to Section*
24 *5202.*

25 10735.4. (a) If the board designates a basin as a probationary
26 basin pursuant to paragraph (1) or (2) of subdivision (a) of Section
27 10735.2, a local agency or groundwater sustainability agency shall
28 have 180 days to remedy the deficiency. The board may appoint
29 a mediator or other facilitator, after consultation with affected local
30 agencies, to assist in resolving disputes, and identifying and
31 implementing actions that will remedy the deficiency.

32 (b) After the 180-day period provided by subdivision (a), the
33 board may provide additional time to remedy the deficiency if it
34 finds that a local agency is making substantial progress toward
35 remedying the deficiency.

36 (c) The board may develop an interim plan pursuant to Section
37 10735.8 for the probationary basin at the end of the ~~time~~ period
38 provided by subdivision (a) or any extension provided pursuant
39 to subdivision (b), if the board, in consultation with the department,
40 determines that a local agency has not remedied the deficiency

1 that resulted in designating the basin as a probationary basin
2 pursuant to this section.

3 10735.6. (a) If the board designates a basin as a probationary
4 basin pursuant to paragraph (3) of subdivision (a) of Section
5 10735.2, the board shall identify the specific deficiencies and
6 identify potential actions to address the deficiencies. The board
7 may request the department to provide local agencies, within 90
8 days of the designation of a probationary basin, with technical
9 recommendations to remedy the deficiencies.

10 (b) The board may develop an interim plan pursuant to Section
11 10735.8 for the probationary basin one year after the designation
12 of the basin pursuant to paragraph (3) of subdivision (a) of Section
13 10735.2, if the board, in consultation with the department,
14 determines that a local agency has not remedied the deficiency
15 that ~~result~~ resulted in designating the basin a probationary basin.

16 10735.8. (a) The board, after notice and a public hearing, may
17 adopt an interim plan for a probationary basin.

18 (b) The interim plan shall include all of the following:

19 (1) Identification of the actions that are necessary to correct a
20 condition of long-term overdraft or a condition where groundwater
21 extractions result in significant depletions of interconnected surface
22 waters, including recommendations for appropriate action by any
23 person.

24 (2) A time schedule for the actions to be taken.

25 (3) A description of the monitoring to be undertaken to
26 determine effectiveness of the plan.

27 (c) The interim plan may include the following:

28 (1) Restrictions on groundwater ~~pumping or~~ extraction.

29 (2) A physical solution.

30 (3) Principles and guidelines for the administration of rights to
31 surface waters that are connected to the basin.

32 (d) ~~To the extent feasible, consistent with~~ *Except as provided*
33 *in Sections 100 and 275 and subdivision (e), the interim plan shall*
34 *be consistent with water right priorities.*

35 (e) Where, in the judgment of the board, a groundwater
36 sustainability plan, groundwater sustainability program, or an
37 adjudication action can be relied on as part of the interim plan,
38 either throughout the basin or in an area within the basin, the board
39 may rely on, or incorporate elements of, that plan, program, or
40 adjudication into the interim plan adopted by the board or allow

1 local agencies to continue implementing those parts of a plan or
2 program that the board determines are adequate.

3 (f) In carrying out activities that may affect the probationary
4 basin, state entities shall comply with an interim plan adopted by
5 the board pursuant to this section unless otherwise directed or
6 authorized by statute and the state entity shall indicate to the board
7 in writing the authority for not complying with the interim plan.

8 (g) (1) After the board adopts an interim plan under this section,
9 the board shall determine if a groundwater sustainability plan or
10 an adjudication action is adequate to eliminate the condition of
11 long-term overdraft or condition where groundwater extractions
12 result in significant depletions of interconnected surface waters,
13 upon petition of either of the following:

14 (A) A groundwater sustainability agency that has adopted a
15 groundwater sustainability plan for the probationary basin or a
16 portion thereof.

17 (B) A person authorized to file the petition by a judicial order
18 or decree entered in an adjudication action in the probationary
19 basin.

20 (2) The board shall act on a petition filed pursuant to paragraph
21 (1) within 90 days after the petition is complete. If the board, *in*
22 *consultation with the department*, determines that the groundwater
23 sustainability plan or adjudication action is adequate, the board
24 shall rescind the interim plan adopted by the board for the
25 probationary basin, except as provided in paragraphs (3) and (4).

26 (3) Upon request of the petitioner, the board may amend an
27 interim plan adopted under this section to eliminate portions of
28 the interim plan, while allowing other portions of the interim plan
29 to continue in effect.

30 (4) The board may decline to rescind an interim plan adopted
31 pursuant to this section if the board determines that the petitioner
32 has not provided adequate assurances that the groundwater
33 sustainability plan or judicial order or decree will be implemented.

34 (5) This subdivision is not a limitation on the authority of the
35 board to stay its proceedings under this section or to rescind or
36 amend an interim plan adopted pursuant to this section based on
37 the progress made by a groundwater sustainability agency or in
38 an adjudication action, even if the board cannot make a
39 determination of adequacy in accordance with paragraph (1).

- 1 10736. (a) The board shall adopt or amend a determination or
2 interim plan under Section 10735.2 or 10735.8 in accordance with
3 procedures for quasi-legislative action.
- 4 (b) The board shall provide notice of a hearing described in
5 subdivision (a) of Section 10735.2 or subdivision (a) of Section
6 10735.8 as follows:
- 7 (1) At least 90 days before the hearing, the board shall publish
8 notice of the hearing on its Internet Web site.
- 9 (2) At least 90 days before the hearing, the board shall notify
10 the department and each city, county, or city and county in which
11 any part of the basin is situated.
- 12 (3) (A) For the purposes of this paragraph, the terms
13 “board-designated local area” and “local agency” have the same
14 meaning as defined in Section 5009.
- 15 (B) At least 60 days before the hearing, the board shall mail or
16 send by electronic mail notice to all persons known to the board
17 who extract or who propose to extract water from the basin, or
18 who have made written or electronic mail requests to the board
19 for special notice of hearing pursuant to this part. If any portion
20 of the basin is within a board-designated local area, the records
21 made available to the board by the local agency in accordance with
22 paragraph (4) of subdivision (d) of Section 5009 shall include the
23 names and addresses of persons and entities known to the local
24 agency who extract water from the basin, and the board shall mail
25 or send by electronic mail notice to those persons.
- 26 (c) The board shall provide notice of proceedings to amend or
27 repeal a determination or plan under Section 10735.2 or 10735.8
28 as appropriate to the proceedings, taking into account the nature
29 of the proposed revision and the person likely to be affected.
- 30 (d) (1) Except as provided in paragraphs (2) and (3), Chapter
31 3.5 (commencing with Section 11340) of Part 1 of Division 2 of
32 Title 2 of the Government Code does not apply to any action
33 authorized pursuant to Section 10735.2 or 10735.8.
- 34 (2) The board may adopt a regulation in accordance with Chapter
35 3.5 (commencing with Section 11340) of Part 1 of Division 2 of
36 Title 2 of the Government Code setting procedures for adopting a
37 determination or plan.
- 38 (3) The board may adopt a regulation applying or interpreting
39 this part pursuant to Section 1530 if the board determines that the
40 emergency regulation is reasonably necessary for the allocation,

1 administration, or collection of fees authorized pursuant to Section
2 1529.5.

3 10736.2. Division 13 (commencing with Section 21000) of the
4 Public Resources Code does not apply to any action or failure to
5 act by the board under this chapter, other than the adoption or
6 amendment of an interim plan pursuant to Section 10735.8.

7 10736.4. The extraction or use of water extracted in violation
8 of an interim plan under this part shall not be relied upon as a basis
9 for establishing the extraction or use of water to support a claim
10 in an action or proceeding for determination of water rights.

11 10736.6. (a) The board may order a person that extracts or
12 uses water from a basin that is subject to an investigation or
13 proceeding under this chapter to prepare and submit to the board
14 any technical or monitoring program reports related to that person's
15 or entity's extraction or use of water as the board may specify.
16 The costs incurred by the person in the preparation of those reports
17 shall bear a reasonable relationship to the need for the report and
18 the benefit to be obtained from the report. If the preparation of
19 individual reports would result in a duplication of effort, or if the
20 reports are necessary to evaluate the cumulative effect of several
21 diversions or uses of water, the board may order any person subject
22 to this subdivision to pay a reasonable share of the cost of preparing
23 reports.

24 (b) (1) An order issued pursuant to this section shall be served
25 by personal service or registered mail on the party to submit
26 technical or monitoring program reports or to pay a share of the
27 costs of preparing reports. Unless the board issues the order after
28 a hearing, the order shall inform the party of the right to request a
29 hearing within 30 days after the party has been served. If the party
30 does not request a hearing within that 30-day period, the order
31 shall take effect as issued. If the party requests a hearing within
32 that 30-day period, the board may adopt a decision and order after
33 conducting a hearing.

34 (2) In-lieu of adopting an order directed at named persons in
35 accordance with the procedures specified in paragraph (1), the
36 board may adopt a regulation applicable to a category or class of
37 persons in accordance with Chapter 3.5 (commencing with Section
38 11340) of Part 1 of Division 2 of Title 2 of the Government Code.

39 (c) Upon application of a person or upon its own motion, the
40 board may review and revise an order issued or regulation adopted

1 pursuant to this section in accordance with the procedures set forth
2 in subdivision (b).

3 (d) In conducting an investigation or proceeding pursuant to
4 this part, the board may inspect the property or facilities of a person
5 to ascertain whether the purposes of this part are being met and to
6 ascertain compliance with this part. The board may obtain an
7 inspection warrant pursuant to the procedures set forth in Title 13
8 (commencing with Section 1822.50) of Part 3 of the Code of Civil
9 Procedure for the purposes of an inspection pursuant to this
10 subdivision.

11 ~~SEC. 11.~~

12 *SEC. 13.* Section 10750.1 is added to the Water Code, to read:

13 10750.1. (a) Beginning January 1, 2015, a new plan shall not
14 be adopted and an existing plan shall not be renewed pursuant to
15 this part, except as provided in subdivision (b). A plan adopted
16 before January 1, 2015, shall remain in effect until a groundwater
17 sustainability plan is adopted pursuant to Part 2.74 (commencing
18 with Section 10720).

19 (b) This section does not apply to a low- or very low priority
20 basin as categorized for the purposes of Part 2.74 (commencing
21 with Section 10720).

22 (c) *This section does not apply to a plan submitted as an*
23 *alternative pursuant to Section 10733.6, unless the department*
24 *has not determined that the alternative satisfies the objectives of*
25 *Part 2.74 (commencing with Section 10720) on or before January*
26 *31, 2020, or the department later determines that the plan does*
27 *not satisfy the objectives of that part.*

28 ~~SEC. 12.~~

29 *SEC. 14.* Section 10927 of the Water Code is amended to read:

30 10927. Any of the following entities may assume responsibility
31 for monitoring and reporting groundwater elevations in all or a
32 part of a basin or subbasin in accordance with this part:

33 (a) A watermaster or water management engineer appointed by
34 a court or pursuant to statute to administer a final judgment
35 determining rights to groundwater.

36 (b) (1) A groundwater management agency with statutory
37 authority to manage groundwater pursuant to its principal act that
38 is monitoring groundwater elevations in all or a part of a
39 groundwater basin or subbasin on or before January 1, 2010.

1 (2) A water replenishment district established pursuant to
2 Division 18 (commencing with Section 60000). This part does not
3 expand or otherwise affect the authority of a water replenishment
4 district relating to monitoring groundwater elevations.

5 (3) A groundwater sustainability agency with statutory authority
6 to manage groundwater pursuant to Part 2.74 (commencing with
7 Section 10720).

8 (c) A local agency that is managing all or part of a groundwater
9 basin or subbasin pursuant to Part 2.75 (commencing with Section
10 10750) and that was monitoring groundwater elevations in all or
11 a part of a groundwater basin or subbasin on or before January 1,
12 2010, or a local agency or county that is managing all or part of a
13 groundwater basin or subbasin pursuant to any other legally
14 enforceable groundwater management plan with provisions that
15 are substantively similar to those described in that part and that
16 was monitoring groundwater elevations in all or a part of a
17 groundwater basin or subbasin on or before January 1, 2010.

18 (d) A local agency that is managing all or part of a groundwater
19 basin or subbasin pursuant to an integrated regional water
20 management plan prepared pursuant to Part 2.2 (commencing with
21 Section 10530) that includes a groundwater management
22 component that complies with the requirements of Section 10753.7.

23 (e) A local agency that has been collecting and reporting
24 groundwater elevations and that does not have an adopted
25 groundwater management plan, if the local agency adopts a
26 groundwater management plan in accordance with Part 2.75
27 (commencing with Section 10750) by January 1, 2014. The
28 department may authorize the local agency to conduct the
29 monitoring and reporting of groundwater elevations pursuant to
30 this part on an interim basis, until the local agency adopts a
31 groundwater management plan in accordance with Part 2.75
32 (commencing with Section 10750) or until January 1, 2014,
33 whichever occurs first.

34 (f) A county that is not managing all or a part of a groundwater
35 basin or subbasin pursuant to a legally enforceable groundwater
36 management plan with provisions that are substantively similar to
37 those described in Part 2.75 (commencing with Section 10750).

38 (g) A voluntary cooperative groundwater monitoring association
39 formed pursuant to Section 10935.

1 ~~SEC. 13.~~

2 ~~SEC. 15.~~ Section 10933 of the Water Code is amended to read:

3 10933. (a) The department shall commence to identify the
4 extent of monitoring of groundwater elevations that is being
5 undertaken within each basin and subbasin.

6 (b) (1) The department shall prioritize groundwater basins and
7 subbasins for the purpose of implementing this section. In
8 prioritizing the basins and subbasins, the department shall, to the
9 extent data are available, consider all of the following:

10 (A) The population overlying the basin or subbasin.

11 (B) The rate of current and projected growth of the population
12 overlying the basin or subbasin.

13 (C) The number of public supply wells that draw from the basin
14 or subbasin.

15 (D) The total number of wells that draw from the basin or
16 subbasin.

17 (E) The irrigated acreage overlying the basin or subbasin.

18 (F) The degree to which persons overlying the basin or subbasin
19 rely on groundwater as their primary source of water.

20 (G) Any documented impacts on the groundwater within the
21 basin or subbasin, including overdraft, subsidence, saline intrusion,
22 and other water quality degradation.

23 (H) Any other information determined to be relevant by the
24 department.

25 (2) The department, in consultation with the Department of Fish
26 and Wildlife, shall identify and develop prioritization criteria for
27 the purpose of identifying groundwater basins and subbasins that
28 should be prioritized based on adverse impacts to habitat and
29 surface water resources. ~~The~~ *These* criteria shall be incorporated
30 into the determination of basin and subbasin prioritization at the
31 department's next update of basin and subbasin prioritizations that
32 occurs after January 1, 2017.

33 (c) If the department determines that all or part of a basin or
34 subbasin is not being monitored pursuant to this part, the
35 department shall do all of the following:

36 (1) Attempt to contact all well owners within the area not being
37 monitored.

38 (2) Determine if there is an interest in establishing any of the
39 following:

1 (A) A groundwater management plan pursuant to Part 2.75
2 (commencing with Section 10750).

3 (B) An integrated regional water management plan pursuant to
4 Part 2.2 (commencing with Section 10530) that includes a
5 groundwater management component that complies with the
6 requirements of Section 10753.7.

7 (C) A voluntary groundwater monitoring association pursuant
8 to Section 10935.

9 (d) If the department determines that there is sufficient interest
10 in establishing a plan or association described in paragraph (2) of
11 subdivision (c), or if the county agrees to perform the groundwater
12 monitoring functions in accordance with this part, the department
13 shall work cooperatively with the interested parties to comply with
14 the requirements of this part within two years.

15 (e) If the department determines, with regard to a basin or
16 subbasin, that there is insufficient interest in establishing a plan
17 or association described in paragraph (2) of subdivision (c), and
18 if the county decides not to perform the groundwater monitoring
19 and reporting functions of this part, the department shall do all of
20 the following:

21 (1) Identify any existing monitoring wells that overlie the basin
22 or subbasin that are owned or operated by the department or any
23 other state or federal agency.

24 (2) Determine whether the monitoring wells identified pursuant
25 to paragraph (1) provide sufficient information to demonstrate
26 seasonal and long-term trends in groundwater elevations.

27 (3) If the department determines that the monitoring wells
28 identified pursuant to paragraph (1) provide sufficient information
29 to demonstrate seasonal and long-term trends in groundwater
30 elevations, the department shall not perform groundwater
31 monitoring functions pursuant to Section 10933.5.

32 (4) If the department determines that the monitoring wells
33 identified pursuant to paragraph (1) provide insufficient
34 information to demonstrate seasonal and long-term trends in
35 groundwater elevations, the department shall perform groundwater
36 monitoring functions pursuant to Section 10933.5.

37 ~~SEC. 14.~~

38 *SEC. 16.* Section 12924 of the Water Code is amended to read:

39 12924. (a) The department, in conjunction with other public
40 agencies, shall conduct an investigation of the state's groundwater

1 basins. The department shall identify the state's groundwater basins
2 on the basis of geological and hydrological conditions and
3 consideration of political boundary lines whenever practical. The
4 department shall also investigate existing general patterns of
5 groundwater ~~pumping~~ *extraction* and groundwater recharge within
6 those basins to the extent necessary to identify basins that are
7 subject to critical conditions of overdraft.

8 (b) The department may revise the boundaries of groundwater
9 basins identified in subdivision (a) based on its own investigations
10 or information provided by others.

11 (c) The department shall report its findings to the Governor and
12 the Legislature not later than January 1, 2012, and thereafter in
13 years ending in 5 or 0.

14 ~~SEC. 15.~~

15 *SEC. 17.* The provisions of this act are severable. If any
16 provision of this act or its application is held invalid, that invalidity
17 shall not affect other provisions or applications that can be given
18 effect without the invalid provision or application.

19 ~~SEC. 16.~~

20 *SEC. 18.* No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution for certain
22 costs that may be incurred by a local agency or school district
23 because, in that regard, this act creates a new crime or infraction,
24 eliminates a crime or infraction, or changes the penalty for a crime
25 or infraction, within the meaning of Section 17556 of the
26 Government Code, or changes the definition of a crime within the
27 meaning of Section 6 of Article XIII B of the California
28 Constitution.

29 However, if the Commission on State Mandates determines that
30 this act contains other costs mandated by the state, reimbursement
31 to local agencies and school districts for those costs shall be made
32 pursuant to Part 7 (commencing with Section 17500) of Division
33 4 of Title 2 of the Government Code.

34 ~~SEC. 17.~~

35 *SEC. 19.* The Legislature finds and declares that ~~Section 5 11~~
36 *of this act, which adds Section 5206 to the Water Code and Section*
37 *12 of this act, which adds Section 10730.8 to the Water Code,*
38 ~~imposes~~ *impose* a limitation on the public's right of access to the
39 meetings of public bodies or the writings of public officials and
40 agencies within the meaning of Section 3 of Article I of the

1 California Constitution. Pursuant to that constitutional provision,
2 the Legislature makes the following findings to demonstrate the
3 interest protected by this limitation and the need for protecting
4 that interest:

5 In order to allow this act to fully accomplish its goals, it is
6 necessary to protect proprietary information submitted pursuant
7 to this act as confidential. Therefore, it is in the state's interest to
8 limit public access to this information.

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AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

27

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: Kevin D. Carunchio, County Administrator

FOR THE BOARD MEETING OF August 19, 2014

SUBJECT: Continuation of declaration of local emergency

DEPARTMENTAL RECOMMENDATION: - Request Board discuss and consider staff's recommendation regarding continuation of 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.

SUMMARY DISCUSSION: - During your August 28, 2012 Board of Supervisors meeting your Board took action to declare a local emergency, which has been named The Death Valley Roadeater Emergency, which was a result of flooding in the southeastern portion of Inyo County during the month of August. Since the circumstances and conditions relating to this emergency persist, your Board directed that the continuation of the declaration be considered on a by-weekly basis. The recommendation is that the emergency be continued until the further evaluation of the damage is completed and staff makes the recommendation to end the emergency.

ALTERNATIVES: N/A

OTHER AGENCY INVOLVEMENT: N/A

FINANCING: N/A

APPROVALS

COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by county counsel prior to submission to the board clerk.) Approved: _____ Date _____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.) Approved: _____ Date _____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.) Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received) _____ Date: _____
(The Original plus 20 copies of this document are required)



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

28

- Consent
 Departmental
 Correspondence Action
 Public Hearing
 Scheduled Time for
 Closed Session
 Informational

FROM: Kevin D. Carunchio, County Administrator

FOR THE BOARD MEETING OF August 19, 2014

SUBJECT: Continuation of declaration of local emergency

DEPARTMENTAL RECOMMENDATION: - Request Board discuss and consider staff's recommendation regarding continuation of the local emergency, The Gully Washer Emergency, that resulted in flooding in the central, south and southeastern portion of Inyo County during the month of July, 2013.

SUMMARY DISCUSSION: - During your August 6, 2013 Board of Supervisors meeting your Board took action to declare a local emergency, which has been named The Gully Washer Emergency, which was a result of flooding in the central, southern and southeastern portion of Inyo County during the month of July. Since the circumstances and conditions relating to this emergency persist, your Board directed that the continuation of the declaration be considered on a by-weekly basis. The recommendation is that the emergency be continued until the further evaluation of the damage is completed and staff makes the recommendation to end the emergency.

ALTERNATIVES: N/A

OTHER AGENCY INVOLVEMENT: N/A

FINANCING: N/A

APPROVALS

COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i> Approved: _____ Date _____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i> Approved: _____ Date _____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i> Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)

(The Original plus 20 copies of this document are required)

Date: _____



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

29

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: Kevin D. Carunchio, County Administrator

FOR THE BOARD MEETING OF August 19, 2014

SUBJECT: Continuation of declaration of local emergency

DEPARTMENTAL RECOMMENDATION: - Request Board discuss and consider staff's recommendation regarding continuation of the local emergency, The Canyon Crusher Emergency, that resulted in flooding in the portions of Inyo County during the month of August, 2013.

SUMMARY DISCUSSION: - During your September 17, 2013 Board of Supervisors meeting your Board took action to declare a local emergency, which has been named The Canyon Crusher Emergency, which was a result of flooding in the portions of Inyo County during the month of August. Since the circumstances and conditions relating to this emergency persist, your Board directed that the continuation of the declaration be considered on a by-weekly basis. The recommendation is that the emergency be continued until the further evaluation of the damage is completed and staff makes the recommendation to end the emergency.

ALTERNATIVES: N/A

OTHER AGENCY INVOLVEMENT: N/A

FINANCING: N/A

APPROVALS

COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i> Approved: _____ Date _____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i> Approved: _____ Date _____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i> Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)

(The Original plus 20 copies of this document are required)

Date: _____



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

30

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: Kevin D. Carunchio, County Administrator

FOR THE BOARD MEETING OF August 19, 2014

SUBJECT: Continuation of proclamation of local emergency

DEPARTMENTAL RECOMMENDATION: - Request Board discuss and consider staff's recommendation regarding continuation of the local emergency, known as the "Land of EVEN Less Water Emergency" that was proclaimed as a result of extreme drought conditions that exist in the County.

SUMMARY DISCUSSION: - During your January 28, 2014 Board of Supervisors meeting your Board took action to proclaim a local emergency, which has been named the Land of EVEN Less Water Emergency, that is a result of severe and extreme drought conditions that exist in the County. Since the circumstances and conditions relating to this emergency persist, your Board directed that the continuation of the resolution be considered on a by-weekly basis.

ALTERNATIVES: N/A

OTHER AGENCY INVOLVEMENT: N/A

FINANCING: N/A

APPROVALS

COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i> Approved: _____ Date _____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i> Approved: _____ Date _____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i> Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)

(The Original plus 20 copies of this document are required)

Date: _____



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

31

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: CLERK OF THE BOARD
 By: Patricia Gunsolley, Assistant Clerk of the Board

FOR THE BOARD MEETING OF: August 19, 2014

SUBJECT: Approval of Minutes

DEPARTMENTAL RECOMMENDATION: - Request approval the minutes of the Board of Supervisors Meeting of August 12, 2014.

SUMMARY DISCUSSION: - The Board is required to keep minutes of its proceedings. Once the Board has approved the minutes as requested, the minutes will be made available to the public via the County's web page at www.inyocounty.us.

ALTERNATIVES: - Staff awaits your Board's changes and/or corrections.

OTHER AGENCY INVOLVEMENT: - n/a

FINANCING: n/a

APPROVALS

BUDGET OFFICER:	BUDGET AMENDMENTS <i>(Must be reviewed and approved by Budget Officer prior to being approved by others, as needed, and submission to the Assistant Clerk of the Board.)</i>
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the Assistant Clerk of the Board.)</i> Approved: _____ Date _____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the Assistant Clerk of the Board.)</i> Approved: _____ Date _____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the Assistant Clerk of the Board.)</i> Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)

(The Original plus 20 copies of this document are required)

Date: _____



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER
32

- | | | | |
|--|---|--|---|
| <input type="checkbox"/> Consent | <input type="checkbox"/> Departmental | <input type="checkbox"/> Correspondence Action | <input type="checkbox"/> Public Hearing |
| <input type="checkbox"/> Schedule time for | <input type="checkbox"/> Closed Session | <input type="checkbox"/> Informational | |

FROM: Public Works Department

FOR THE BOARD MEETING OF: August 19, 2014

SUBJECT: Workshop for the See Vee Lane Extension Project

DEPARTMENTAL RECOMMENDATIONS:

1. Participate in a workshop to discuss background and update the Board regarding the current status of the project;
2. Discuss alternatives for the project;
3. Discuss results of the public meeting that was held on July 9, 2014;
4. Provide direction to the Public Works Department as to how to proceed with the project.

CAO RECOMMENDATION:

SUMMARY DISCUSSION: The proposed See Vee Lane Extension Project would consist of extending See Vee Lane from its intersection with U. S. 395, possibly to Choctaw Lane, and signalizing the intersection at U.S. 395. The objective of the project is to provide safer access to the Highlands Mobile Home Park (Highlands). Studies for the Bishop Area Access and Circulation Feasibility Study (BAACFS), which was prepared by Caltrans District 9 in 2003 at the request of the Inyo County Local Transportation Commission, indicated a high rate of accidents on U.S. 395 between See Vee and Pa Ha Lanes. One of the possible reasons for the high rate of accidents was identified as conflicts at the entrance/exit to Highlands. The BAACFS recommended extending See Vee Lane to Choctaw Drive and signalizing the intersection at U.S. 395 to give Highlands' residents a safer and shorter way to access U.S. 395.

Eastern Sierra Engineering (ESE) was retained to conduct a feasibility study for the project, which included a traffic study. ESE developed four alternatives for the project. On July 9, 2014, a public meeting was held to present the project alternatives to residents and local agencies. The alternatives are attached to this agenda item.

The meeting was well attended, with 150 to 200 people in attendance, including representatives of Caltrans and Los Angeles Department of Water and Power. The attendees were asked to fill out comment cards where they could choose their desired alternative(s) for the project, and provide additional comments if they wanted. ESE developed a summary report for those comments, which is also attached to this agenda item.

The Public Works Department would like to request that the Board review the alternatives and comment summary report, and provide direction to the Public Works Department as to how they would like to proceed with the project.

ALTERNATIVES:

The Board could choose to continue the discussion to a future meeting, and then give specific direction to staff.

OTHER AGENCY INVOLVEMENT:

FINANCING:

There are no financial impacts from the workshop.

APPROVALS	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by County Counsel prior to submission to the board clerk.) Approved: _____ Date _____
AUDITOR/CONTROLLER	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor/controller prior to submission to the board clerk.) Approved: _____ Date _____
PERSONNEL DIRECTOR	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.) Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)

[Handwritten Signature]

Date:

8/6/14

July 30, 2014

12.1.37

Lynn M. Flanigan, P.E.
 Senior Engineer
 Inyo County Public Works Dept.
 P.O. Drawer Q
 Independence, CA 93526
 Phone - 760-878-0347
 Fax - 760-878-2001
lflanigan@inyocounty.us



RE: See Vee Lane Extension July 9, 2014 Public Meeting Results

Dear Lynn,

In general the following are the number and type of comments received:

Total Comments Received: 72

Preferred Alternative	0	1	2	3
Count:	39	11	9	14

Eleven citizens did not select an alternative. Several citizens selected multiple alternatives and their votes were counted more than once.

Design Option:	Yes	No
No Left (Right Only @ MacGregor)	17	43
Gate at Choctaw Open	43	27
RV Access to See Vee Lane	28	30

The Following attempts to summarize the general categories of comments received:

Positive Summary (Alt. 1, 2, & 3):

- Provides second access point to Highlands Mobile Home Community if a disaster occurs.
- Alleviates dangerous intersection at MacGregor and 395
- Easier access to 395 from Meadowcreek Neighborhood.

- Provides better access for fire/law enforcement.

Negative Summary (Alt 0):

- Leave it the way it is!
- Increased traffic in back yard of Argyle Ln. residents: ruins the view, increases noise, increases crime, and decreases property values.
- Property acquisition is bad for The Community.
- Opening The Choctaw Gate increases traffic and crime in both adjacent neighborhoods.
- Traffic congestion on low volume roads in The Highlands Mobile Home Community.
- Unfair impact on senior section of Highlands Mobile Home Community.
- Inyo County should wait to see what effect the proposed Caltrans Signal has on traffic.
- Construct wall or green belt to buffer residents from The See Vee Lane Extension.
- Wildlife on LADWP land would be negatively affected by The See Vee Lane Extension.

Official Agency Comments:

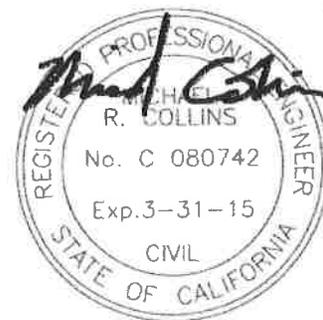
Eastern Sierra C.S.D. supports the project as long as existing manhole covers are raised to grade.

Bishop Fire Chief supports the extension of See Vee Lane to Choctaw with access to The Rear entrance of Highlands Mobile Home Community.

California Department of Transportation (Tom Hallenbeck) fully supports the See Vee Lane Extension Project to Choctaw Dr (Alt 1 or 3).

Sincerely,
Eastern Sierra Engineering, P.C.

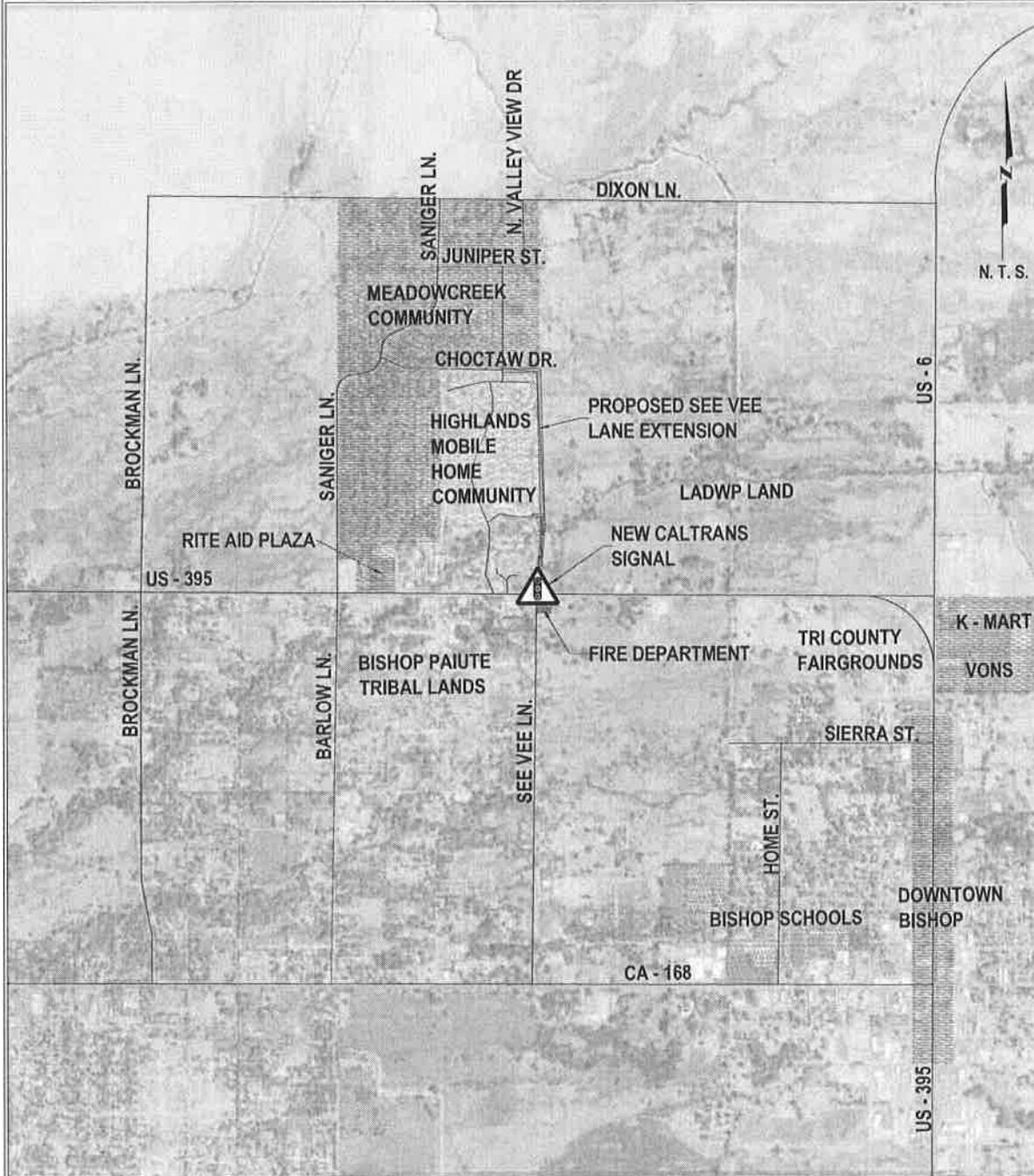

Michael Collins, P.E.
Project Engineer



Attachments – Contact Information
Scanned Comment Forms

SEE VEE LANE EXTENSION

BISHOP REGIONAL ROADWAY NETWORK





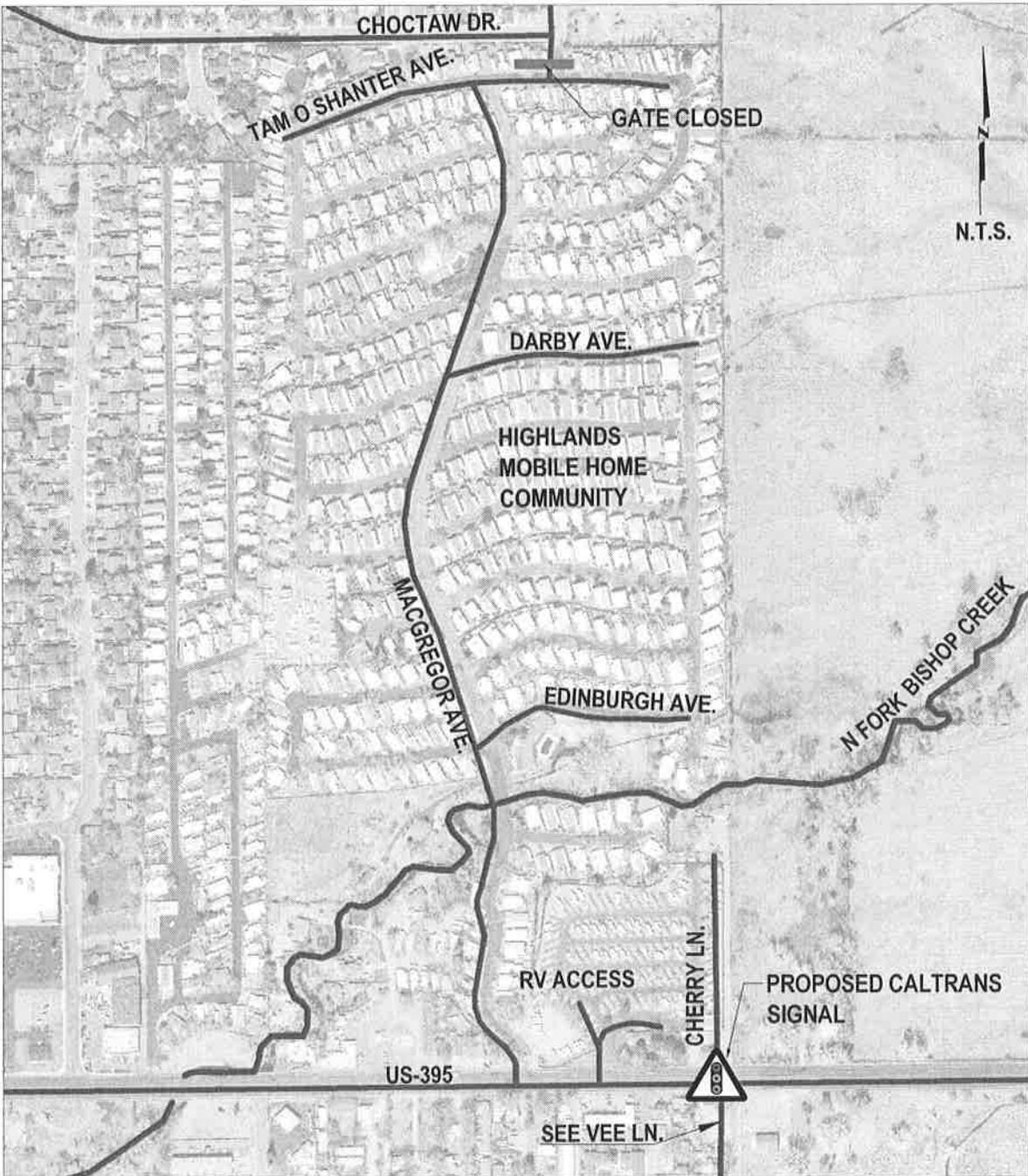
SEE VEE LANE EXTENSION ALTERNATIVE ANALYSIS

ALTERNATIVE	DESCRIPTION	TOTAL COST	PROPERTY ACQUISITION	RELATIVE TRAFFIC PERFORMANCE	REGIONAL CONNECTIVITY	FIRE RESPONSE	CHOCTAW GATE	HIGHLANDS / 395 INTERSECTION
	EXISTING	—	NO	B+	NO	SAME	CLOSED	LEFT OK
0	SIGNAL AT SEE VEE LANE / 395 INTERSECTION	\$ 0.6 M	MINOR	A-	NO	SAME	CLOSED	LEFT OK
1	SIGNAL AT SEE VEE LANE / 395 INTERSECTION. EXTEND SEE VEE LANE TO CHOCTAW DR. OPEN GATE AT CHOCTAW DR.	\$ 2.5 M	YES	A-	NOTABLE IMPROVEMENT	IMPROVED	OPEN	LEFT OK
2	SIGNAL AT SEE VEE LANE / 395 INTERSECTION. EXTEND SEE VEE LANE TO EDINBURGH AVE. GATE CLOSED AT CHOCTAW DR.	\$ 1.2 M	YES	A-	IMPROVED SLIGHTLY	IMPROVED (HIGHLANDS ONLY)	CLOSED	LEFT OK
3	SIGNAL AT SEE VEE LANE / 395 INTERSECTION. EXTEND SEE VEE LANE TO CHOCTAW DR. CONNECT SEE VEE LN TO EDINBURGH AVE. AND DARBY AVE. GATE CLOSED AT CHOCTAW DR. NO LEFT ON TO 395	\$ 2.7 M	YES	A	NOTABLE IMPROVEMENT	IMPROVED	CLOSED	NO LEFT



SEE VEE LANE EXTENSION

ALTERNATIVE 0- SIGNAL AT SEE VEE LANE / 395 INTERSECTION



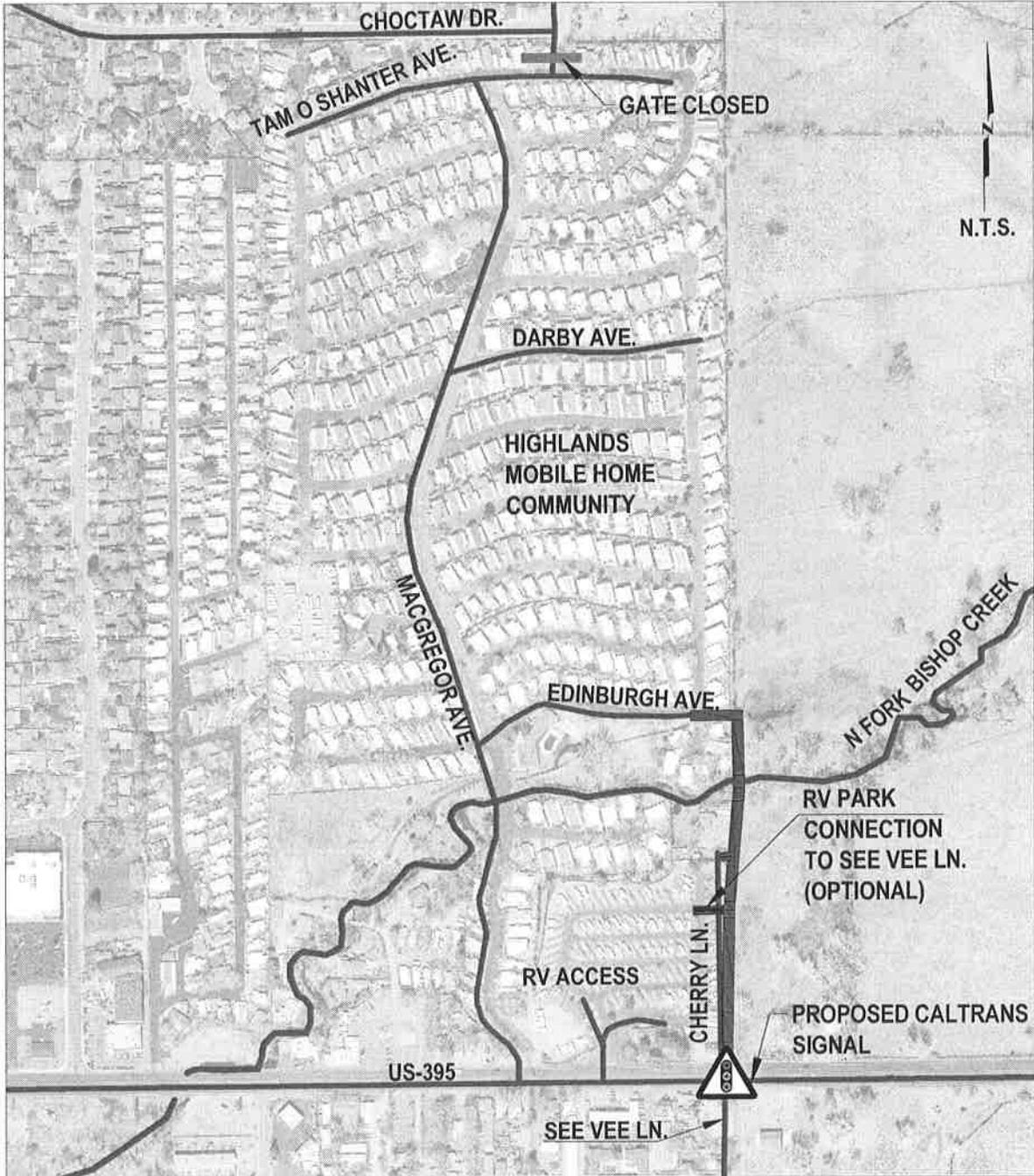
SEE VEE LANE EXTENSION

SIGNAL AT SEE VEE LANE/ 395 INTERSECTION
ALTERNATIVE 1 - EXTEND SEE VEE LANE TO CHOCTAW DR.
OPEN GATE AT CHOCTAW DR.



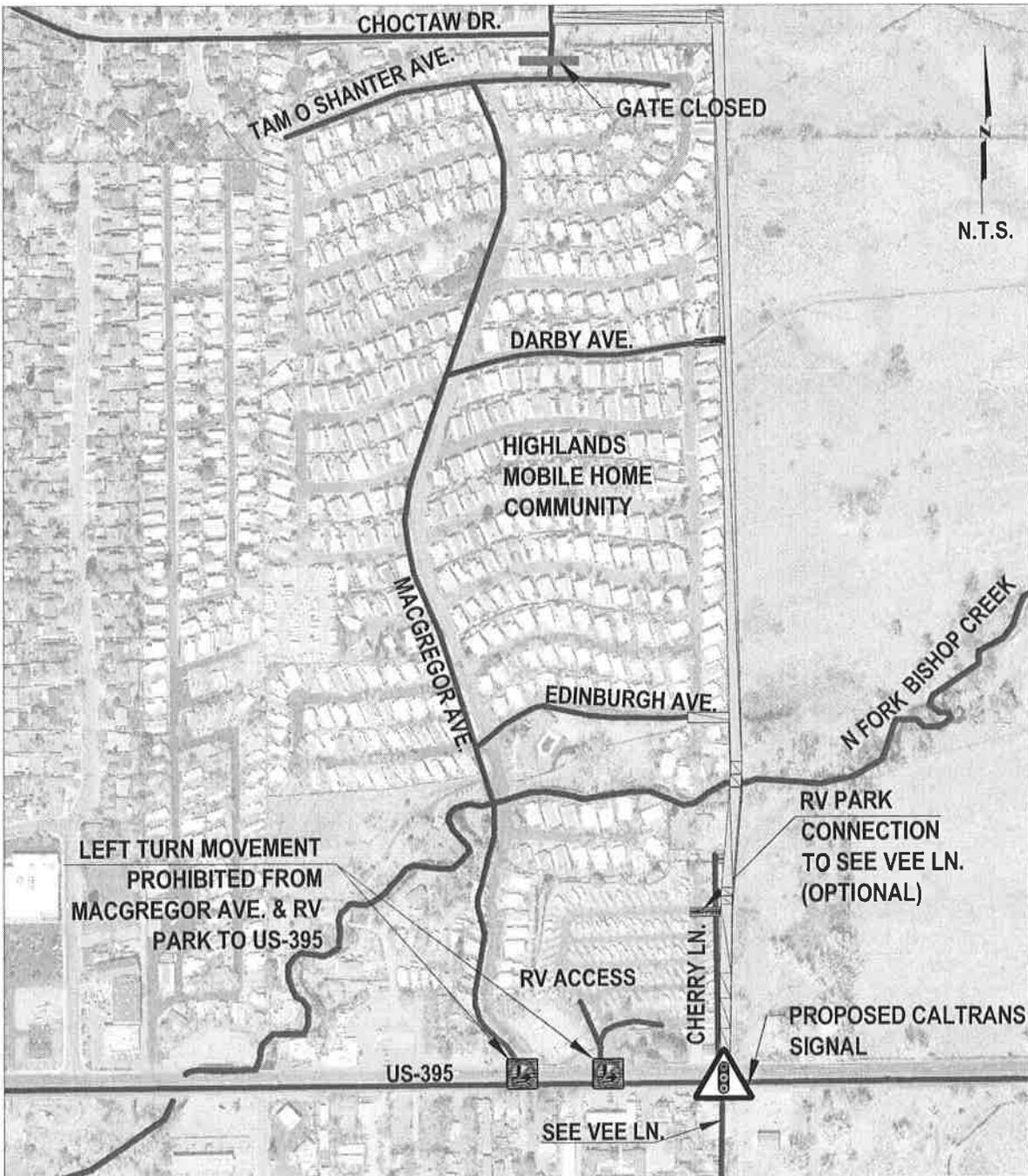
SEE VEE LANE EXTENSION

**ALTERNATIVE 2 - SIGNAL AT SEE VEE LANE/ 395 INTERSECTION
EXTEND SEE VEE LANE TO EDINBURGH AVE.
GATE CLOSED AT CHOCTAW DR.**



SEE VEE LANE EXTENSION

ALTERNATIVE 3 - SIGNAL AT SEE VEE LANE / 395 INTERSECTION. EXTEND SEE VEE LANE TO CHOCTAW DR. CONNECT SEE VEE LN TO EDINBURGH AVE. AND DARBY AVE. GATE CLOSED AT CHOCTAW DR. NO LEFT ON TO 395.



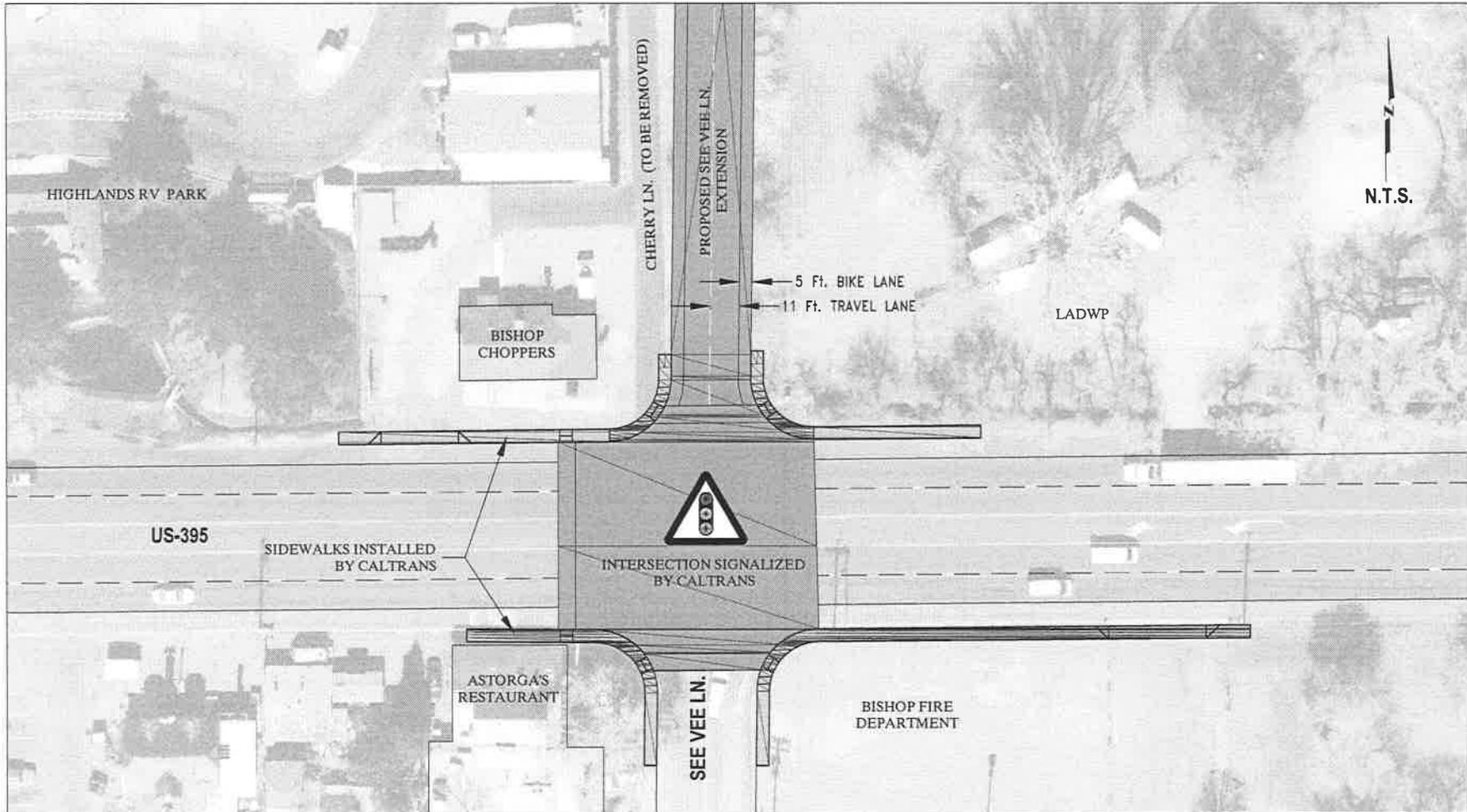


SEE VEE LN / US 395 INTERSECTION LAYOUT ALTERNATIVE 0: PROPOSED CALTRANS SIGNAL





SEE VEE LANE / 395 INTERSECTION LAYOUT ALTERNATIVES 1, 2 & 3





SEE VEE LANE EXTENSION

Public Workshop

July 9, 2014

Public Comment Form

Date: _____

Name: _____ Telephone: _____

Address: _____ Email: _____

PREFERRED ALTERNATIVE (1, 2, OR 3): _____

YOUR OPINION COUNTS:

NO LEFT _____ YES _____ NO

GATE AT CHOCTAW OPEN _____ YES _____ NO

RV ACCESS TO SEE VEE LANE _____ YES _____ NO

COMMENTS (ADDITIONAL SPACE ON BACK OF FORM) :

Please use this form to share your comments regarding the See Vee Lane Extension project. Comment forms may be sent via U.S. mail to Ms. Lynn Flanigan, PE, Project Manager, Inyo County Public Works, P.O. Drawer Q, Independence, CA 93526.



CC B&S
C.A.O

33

SIERRA COUNTY

Board of Supervisors
P.O. Drawer D
Downieville, California 95936
Telephone (530) 289-3295
Fax (530) 289-2830



July 23, 2014

Inyo County Board of Supervisors
PO Box N
Independence, CA 93526

RECEIVED
2014 JUL 05 AM 10:27
INYO COUNTY
ADMINISTRATIVE
CLERK

Dear Chairman and Members of the Board:

The Sierra County Board of Supervisors has initiated an effort to engage the twenty two (22) counties of California that encompass the land area of the Sierra Nevada regarding fire severity and fire fuels/biomass conditions and recommended actions to develop and implement an action plan to mitigate ongoing and increasing fire severity conditions. We are requesting the immediate action by your Board of Supervisors in support of this campaign and ask that you give this your highest priority.

This campaign, adopted and initiated by the Sierra County Board of Supervisors on July 22, 2014, includes two very important resolutions-one being a proclamation of a state of local emergency throughout Sierra County and the second being a resolution requesting that all twenty-two counties adopt a similar resolution and proclamation for their respective county by August 15, 2014. These two actions will be the beginning of a campaign to develop a long-term and sustainable program to reduce wild land fire severity conditions on public and private lands.

I have attached the background report that was prepared for the actions taken by the Sierra County Board of Supervisors on July 22, 2014 and have also included the two adopted resolutions referenced in the opening paragraphs of this communication. Please review the background report as it describes the very fabric of our frustration with existing conditions and also provides greater detail in the approach and coordination to be expected following the actions being requested of your county.

We look forward to commencing a productive, effective, and sustainable program that is understandably of the highest priority to each of our counties and the actions requested of your county will be the beginning of what we hope to be a coordinated and successful effort.

Please send a copy of your adopted resolution to the Sierra Nevada Conservancy, Rural County Representatives of California, and California State Association of Counties. Please also forward a copy of your adopted resolution to the Clerk of the Sierra County

Board of Supervisors (PO Drawer D, Downieville, California, 95936 or email to HFoster@sierracounty.ca.gov) so we may track the progress of this effort between now and August 15. If you have questions or concerns, you may also reach me by email at sproen@aol.com or by calling 209-479-2770.

Thank you for your anticipated support of this effort and we look forward to organizing a most worthwhile program.

Sincerely,

Sierra County
Board of Supervisors



Paul Roen
Chairman of the Board

CC: Sierra Nevada Conservancy
Rural County Representatives of California
California State Association of Counties

BACKGROUND REPORT

WILD LAND FIRE SEVERITY

**Sierra County Board of Supervisors
Staff Background for Action Item
July 22, 2014 Meeting**

Agenda Item: **A)** Discussion regarding fire severity and fire fuels/biomass conditions throughout Sierra County and recommended actions to develop and implement an action plan to mitigate ongoing and increasing fire severity conditions and to begin an aggressive process for prevention of natural fuels and woody-biomass build up, catastrophic wildfire, and the continued condition of a lack of required fire protection investments in the County. **B)** Adopt resolution proclaiming a state of local emergency consisting of extreme fire severity conditions and natural fuel build up and accumulation. **C)** Adoption of resolution directing staff to proceed with an action plan to engage the Sierra Nevada Conservancy (SNC), Rural County Representatives of California (RCRC), California State Association of Counties (CSAC), the Governor of California and appurtenant State Natural Resource and policy agencies, and every California County located within the boundary of the Sierra Nevada Conservancy

Background: The Board of Supervisors has continuously availed itself of opportunities to comment and at times, actively participate in programs and with organizations that have proposed to seek solutions with federal and state agencies over the issues of forest health, declining forest conditions, woody-biomass build up, fire severity and risk, and fire safe planning programs. The Board of Supervisors has consistently expressed that its highest priority in the County is improving forest health and reducing fire severity within the forest regions of the County. Examples of such involvement taken up by the Board of Supervisors includes participation in the Quincy-Library Group (QLG), in the Sustainable Forest Action Coalition (SFAC), comments to USDA on the Forest Service Planning Rule (DEIS), comments to and direct participation in the Forest Service roundtable workshops, meetings with the Regional Forester of Region 5, and support for legislation at the Federal and State level responding to wildfire protection needs. Every effort by the County to identify issues and seek satisfactory solutions, whether on its own or in coordination with other counties or regional associations, have produced results that have been consistently unsatisfactory.

This County, more so than most California counties, is acutely aware of the need for proactive and effective communication with the Federal government since seventy per cent of its land base is publicly owned and under the management and direction of the United States Forest Service, United States Bureau of Land Management, and the California Department of Fish and Wildlife. Land management plans exist for these three primary land management agencies yet budget reductions, excessive regulatory burdens, and failure to implement methodologies to reduce the potential for catastrophic wildfire have all but paralyzed and stymied these agencies from any measurable progress. The status quo allows dire existing conditions to worsen and the risk for catastrophic fire events sits in the forefront within Sierra County and every county within the Sierra Nevada. Communications alone cannot produce the results that are required to create a

fire-safe environment. An aggressive and comprehensive program focused on creating a sustainable, safe, and productive forest health condition is urgently needed. It is these very counties and their respective forest communities that promote and carry out resource management activities and projects producing timber resources, agricultural products, clean air, mineral production, clean and abundant supplies of water, recreational opportunities, fishery and wildlife habitat, and so many other resources for the general public and the vastly increasing number of recreational visitors to these areas.

Sierra County has experienced a significant loss of social and economic infrastructure that is directly related to the reduction or cessation of programs and the inability of the Forest Service to deliver an effective and sustainable level of goods and services under current policy, direction, and budget. The loss of industry in the region, the loss of employment, and the spiraling social and economic impacts resulting from these conditions are devastating. These catastrophic wildfires cause an irretrievable loss of productive forest lands for generations and the loss of resource value forecloses on access to sawlogs, biomass, and goods and services that would have been derived from the burned landscape. These burned lands contain significant resource value including but not limited to watershed, water quality, wildlife and fishery, and recreation. This long-term loss of resource infrastructure significantly undermines community and regional stability. Sierra County alone in the recent past has lost thousands of productive acres through losses caused by the Crystal Peak, Cap, Indian, Treasure, Bassetts, Harding, Hirschdale, and Cottonwood fires. Equally devastating and what is approaching a region-wide condition characterized as "the perfect storm" is the paralysis that has developed in forest health management, fuels reduction, biomass removal, and wildfire prevention that has now been coupled with the most volatile and dangerous conditions imaginable for catastrophic wildfire.

Science and experience clearly indicates that future fires will be larger and more dangerous to people, resources, and other forms of life unless thinning proceeds on a pace and scale commensurate with this problem. The Regional Forester has for years outlined a goal of treating 500,000 acres annually statewide for ecological restoration by timber harvest, mechanical treatment, and biomass removal projects and has committed to increasing the pace and scale of such treatments to begin a sustainable program of reducing fuel loading and the severity of wildfire conditions. This goal and commitment has failed. Conditions worsen and ironically, a large annual volume of treated national forest acres comes off of salvage sales and restoration from previously forested lands now located within the boundaries of an extinguished and catastrophic wildfire. The recent Rim fire being just one of many examples of a self-fulfilling prophecy-fail to conduct fuel reduction treatments, ignore worsening conditions, observe a catastrophic wildfire obliterate thousands of acres of previously productive forest land, and then claim to approach the pace and scale outlined by the Regional Forester by harvesting the burned lands that were ignored from the outset.

Likewise, science indicates that the present forests are extremely over-dense and are unlikely to survive climate change and the impacts it will bring to the Sierra Nevada. A warmer climate could significantly increase the risk of uncharacteristic and destructive

wildfires and increase the susceptibility of forests to large-scale insect and disease epidemics. Climate change increases both the magnitude of the effort needed to restore and maintain forest health and the urgency of taking actions. Many species of plants and wildlife are threatened and endangered due to the combination of increased forest density and catastrophic wildfires.

Evaluate the facts and figures pertaining to the Rim fire which started in August 2013 and not extinguished until October 2013. Here we have the most devastating fire in recorded history for the Sierra Nevada and the third largest wildfire of record in California. Tuolumne and Mariposa Counties lost 257,000 acres or 400 square miles of productive timber land and valuable acreage within Yosemite National Park. There was (and still is) a record drought, a heat wave, a total lack of fuel reduction and attention to forest health and the Rim fire grew to 100,000 acres in just four days. It burned the back country areas of Yosemite National Park, a global attraction and national treasure. It threatened the water supply for the 2.9 million users from the City and County of San Francisco. Hetch-Hetchy Reservoir and three powerhouses were shut down impacting the entire power grid for the San Francisco Bay area. The fire burned so hot in vast areas that it killed a significant percentage of plant and animal life in its path and left a sterilized soil condition and landscape that will take generations to regenerate. The State of California expended \$127 million to fight this catastrophic wildfire.

Federal air quality standards and the resultant regulatory framework significantly hampers the number of acres that can be treated by controlled burn on Federal lands annually. The cited air quality impacts associated with controlled burns pale in comparison to the air quality impacts and pollutants that are dispersed into the atmosphere by wildland fires. It is imperative that revisions to the regulations and some form of configuration be implemented that allows the continued use of controlled burns as a method of forest treatment removing biomass and significant build up of natural fire fuels.

We have reached a point in the Sierra Nevada comparable to the threats to Lake Tahoe that were addressed in July of 1997 by the "Lake Tahoe Presidential Forum". Here President Clinton and Vice President Gore, after a series of workshops had identified issues and constraints, issued Executive Order 13057 establishing a formal "federal interagency partnership" charged with assuring coordination and efficient management of federal programs and projects and required a memorandum of agreement with the States of California and Nevada to facilitate financial resources to the region.

California, is experiencing the driest year in recorded State history and as a result, the conditions in Sierra County and the Sierra Nevada are categorized at a most dangerous and perilous level. The Governor of California in his January 17, 2014 declaration of drought emergency and his subsequent executive order has not advanced a proactive nor sustainable effort or program to coordinate programs and develop a long term strategy assessing and acting on the devastating potential for catastrophic wildfire.

Therefore, the Board of Supervisors continues to maintain as its highest priority, the reduction of fire fuels and the need to aggressively implement a sustainable program to reduce the risk of catastrophic wildfire by removing fuels and biomass from the public and private forested areas of the County and therefore it is imperative that immediate action be initiated to engage the twenty two counties of California that comprise the Sierra Nevada. This coordinated approach must be recognized by the appropriate Federal and State representatives and agencies, the twenty two counties, the twelve national forests, and agencies and organizations throughout the United States that the Sierra Nevada is a national treasure that is at peril in the absence of a proactive program to reduce fire hazard severity.

Recommendation:

- 1) Adopt a resolution proclaiming a local state of emergency in Sierra County based on fire severity conditions and buildup of fuels and biomass throughout the County and seek the concurrence of the Governor of California.
- 2) Adopt a second resolution directing staff to organize and implement communication with the twenty two counties of California that comprise the Sierra Nevada and request that each County adopt a similar resolution. Direction would also be given to coordinate and request the immediate and strong support and involvement of the Sierra Nevada Conservancy, Rural County Representatives of California (RCRC), and California State Association of Counties (CSAC) transmitting a consistent and strong message to the Federal and State agencies.
- 3) The resolution proclaiming a local state of emergency within the County should request that the Governor seek concurrence of the President of the United States over the Sierra Nevada-wide declaration of local emergency, asking for a process to be immediately implemented for the Sierra Nevada which emulates the "presidential forum" created for Lake Tahoe in 1997.
- 4) The second resolution should specify the multiple year funding needs and the specific topical areas that need to be addressed including but not limited to Sierra Nevada-wide forest condition assessments, restoration projects, modeling and monitoring to enhance decision making, forest thinning, biomass reduction, projects aimed at fire suppression improvements and infrastructure modifications to address fire response, wildland-urban interface (WUI) and project planning funds, and related uses.
- 5) The second resolution should set forth a structure for implementation of the "Sierra Nevada Presidential Forum" that requires a memorandum of agreement between the Secretary of Agriculture/Secretary of Interior and the State Secretary for Resources and through this memorandum, place the Sierra Nevada Conservancy in a prominent role for coordination and administration of this program. This organization is in place to provide strategic direction for the Sierra Nevada guided by four adopted areas of focus: healthy forests, preservation of ranches and agricultural land, watershed protection and restoration, and promotion of sustainable tourism and recreation. The Conservancy is properly postured to successfully implement this long-term program as it represents the

twenty two California Counties which comprise the Sierra Nevada and is responsible through program development and funding for 25 million acres or 25% of California's land area. The area served by the Conservancy contains areas of regional, statewide, national, and global significance including Yosemite Park, Sequoia Park, Kings Canyon Park, Lassen Volcanic Park, the Modoc Plateau, Owens Valley, Mono Basin, the Sierra Nevada Range, Mount Shasta, Mammoth Lakes and June Lake Loop, Lake Oroville, and numerous other treasures. This region contains thirty one watersheds, twelve (12) national forests, 600,000 residents, provides two thirds of California's water, and accommodates fifty million recreational visits per year.

The region clearly parallels the significance of Lake Tahoe and has never been more at risk. The status quo is unacceptable.

ADOPTED RESOLUTIONS

WILD LAND FIRE SEVERITY

BOARD OF SUPERVISORS, COUNTY OF SIERRA, STATE OF CALIFORNIA

**PROCLAMATION OF LOCAL EMERGENCY
COUNTY OF SIERRA
STATE OF CALIFORNIA**

RESOLUTION 2014- 066

WHEREAS, County Ordinance 403 and Sierra County Code, Section 8.16.010 and following empowers the County Director of Emergency Services to request that the Board of Supervisors proclaim the existence or threatened existence of a local emergency when the County is affected or likely to be affected by a public calamity; and,

WHEREAS, the County Director of Emergency Services and the Board of Supervisors of the County of Sierra do hereby find that conditions of extreme peril to the safety of persons, property and public infrastructure have arisen affecting the communities of the County, the national forest system lands within the County, and the private timber and agricultural lands within the County caused by the uncontrolled build-up of natural fire fuels, posing a severe and ongoing threat of catastrophic wildfire in the County and in California; and,

WHEREAS, the management of lands, particularly regarding fire protection and fuel reduction, on national forest system lands under the jurisdiction of the United States Department of Agriculture-Forest Service is wholly inadequate, has long-been ignored, and is significantly under funded, placing Sierra County in significant peril and at great risk in the event that catastrophic wildfires occur in thereby destroying public resources, private property, businesses, and the natural environment; and,

WHEREAS, the irretrievable loss of productive forest lands for generations evidenced by the loss of goods and services originating from the public lands impacted by catastrophic wildfire; the insurance losses from catastrophic wildfires; the loss of valuable natural resources; the damage and/or loss of public and private property; the long-term devastation to local economies; the long-term negative impacts on the livelihood of local residents; and, the significant expenditure of public funding resulting from fire suppression efforts as well as infrastructure and resource restoration has risen to a critical point that demands an effective response and cooperative strategy among all levels of government to identify, plan, fund, and implement an effective public land fire protection strategy plan which includes planning, assessments, fuels reduction, and enhanced fire suppression and emergency response; and,

WHEREAS, these potential conditions are beyond the control of the services, personnel, equipment and facilities of Sierra County and the Federal and State agencies having fire suppression jurisdiction within the County and immediate region and the physical and fiscal impacts to the County of Sierra will be severe including but not limited to public utilities, public services, protection of property, emergency medical response, public schools, transportation, and the direct and indirect threats to business, lives, and property; and,

WHEREAS, the threat of wild land fire continues to be the highest priority assigned under the "Sierra County Hazard Mitigation Plan" developed in conformance with the

FEMA program entitled “Threat and Hazard Identification and Risk Assessment (THIRA)” program and this proclamation is made at a time when fuel conditions are extreme and all evidence clearly suggests that Sierra County is in peril and the County, including the “Sierra Nevada region” has never been more at risk with no relief in progress; and,

WHEREAS, the Governor of California declared a drought emergency for the entire State on January 17, 2014, and this declaration was based on the actual occurrence of the driest year on record in California, and while water-related actions have been initiated, no measurable strategy for long term and sustainable wild land fire-severity reduction appears eminent within Sierra County and within the boundaries of the Sierra Nevada as defined by the official boundaries of the Sierra Nevada Conservancy, a California State Agency, (which includes Sierra County and twenty one (21) other California counties) and hereinafter referred to as “Sierra Nevada region” and there exists no complementary action by Federal agencies to assess and react to the severity and perilous conditions facing the “Sierra Nevada region” related to catastrophic wildfire so therefore this proclamation implements a condition above and well beyond the scope of the January 2014 State drought-declaration of emergency; and,

WHEREAS, during the existence of said local emergency, the powers, functions, and duties of the Sierra County Office of Emergency Services shall be those prescribed by State law-Government Code 8630, Sierra County ordinances, and Sierra County resolutions and the County Director of Emergency Services shall proceed with formal notification to the State Office of Emergency Services, State legislative representatives, and the Governor of California with a request that he proclaim the County of Sierra to be in a state of emergency.

THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF SIERRA HEREBY PROCLAIMS AND DECLARES a local state of emergency based upon the foregoing findings as there exists, extreme conditions of peril to the safety of persons, private property, national forest system lands, valuable watersheds, and public infrastructure within the County of Sierra.

BE IT FURTHER DECLARED that the individual counties comprising the “Sierra Nevada region” as defined herein being situated within the boundary of the Sierra Nevada Conservancy are urged to evaluate the risk and peril experienced within each individual county and determine if such a proclamation of local emergency is warranted and appropriate.

BE IT FURTHER DECLARED that the Governor of California is requested to confirm a state of emergency and seek a Presidential concurrence regarding the existing conditions in Sierra County and the ”Sierra Nevada region”, providing the highest possible priority and recognition of the extreme peril being encountered by providing a comprehensive and coordinated strategy directed by the Federal government, in cooperation with State and local government, which emulates the former and successful “Lake Tahoe Presidential Forum” for the deteriorating natural conditions impacting the Lake Tahoe region and conducted in 1997, providing a plan, tasking agencies with specific direction, providing long-term funding, establishing a streamlined process for project delivery directed towards a long-term and sustainable reduction of fire hazard and fuel loading to protect public and private resources as well as the lives and property of Sierra County citizens and the public.

Adopted on the 22nd day of July, 2014 by the following vote:

AYES: Supervisors..Huebner, Beard, Schlefstein, Roen

NOES: None

ABSENT: Supervisor..Adams

ABSTAIN: None

COUNTY OF SIERRA



Paul Roen

Chairman, Board of Supervisors

APPROVED AS TO FORM:



James A. Curtis
County Counsel

ATTEST:



Heather Foster
Clerk of the Board

BOARD OF SUPERVISORS, COUNTY OF SIERRA, STATE OF CALIFORNIA

**IN THE MATTER OF IMPLEMENTING A PROCLAMATION OF LOCAL
EMERGENCY THROUGHOUT THE SIERRA NEVADA REGION OF
CALIFORNIA AND REQUESTING SUPPORT OF THE BOARD OF
SUPERVISORS OF THE TWENTY TWO COUNTIES OF CALIFORNIA
COMPRISING THE SIERRA NEVADA**

RESOLUTION 2014- 067

WHEREAS, the Board of Supervisors of Sierra County adopted on July 22, 2014 a proclamation of local emergency based upon fire severity conditions and build up of fire fuels and biomass that places residents, public and private lands, and vast resources in great peril from losses due to catastrophic wildfire; and,

WHEREAS, the Board of Supervisors desires to organize a common recognition by all twenty two counties of California which comprise the land area of the Sierra Nevada of the severe threats to this region by catastrophic wildfire and requesting immediate response by State and Federal agencies to provide and fund a long-term and sustainable strategy for the Sierra Nevada including forest condition assessments, modeling and monitoring to enhance planning and decision making, forest health and restoration projects, and fire suppression improvements and infrastructure modifications to address fire preparations and response; and,

WHEREAS, the Board of Supervisors and the “common recognition by all twenty two counties of California” seeks the strong support and concurrence by the Governor of California, asking that the President of the United States concur with the proclamation of emergency and further requests a process or strategy be implemented immediately for the Sierra Nevada, emulating the “presidential forum” conducted, funded, and implemented for Lake Tahoe in 1997.

NOW, THEREFORE, BE IT RESOLVED that the Sierra County Board of Supervisors strongly urges the Board of Supervisors of the twenty two counties of California comprising the Sierra Nevada to adopt a resolution containing similar, if not exact, language and content of the resolution adopted by the Sierra County Board of Supervisors, proclaiming a local state of emergency in their respective county no later than August 15, 2014 and direct an official copy of said declaration to the Governor of California, to their respective State and Federal legislative representatives, to the California State Association of Counties (CSAC), to the Rural County Representatives of California (RCRC), and to the Executive Director of the Sierra Nevada Conservancy (SNC).

BE IT FURTHER RESOLVED that the Board of Supervisors of the twenty two counties, in the adoption of its proclamation of local emergency, request that the Governor of California seek the concurrence of the President of the United States for an

immediate effort and strategy for the Sierra Nevada which emulates the "presidential forum" created for Lake Tahoe in 1997.

BE IT FURTHER RESOLVED that the Board of Supervisors of the twenty two counties, strongly convey its recommendation that the Sierra Nevada Conservancy be assigned a most prominent role in the organization, administration, and implementation of a long-term, sustainable program for the protection of the Sierra Nevada through programs and projects designed to reduce the severity of impacts to public and private lands from catastrophic wildfires.

ADOPTED by the Board of Supervisors of the County of Sierra on the 22nd day of July 2014, by the following vote:

AYES: Supervisors Huebner, Beard, Schlefstein, Roen

NOES: None

ABSTAIN: None

ABSENT: Supervisor Adams

COUNTY OF SIERRA



PAUL ROEN
CHAIRMAN, BOARD OF SUPERVISORS

ATTEST:



HEATHER FOSTER
CLERK OF THE BOARD

APPROVED AS TO FORM:



JAMES A. CURTIS
COUNTY COUNSEL