

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.

ADDENDUM

to

Inyo County Board of Supervisors Regular Meeting 8:30 a.m. March 17, 2015

ADDITION

CLOSED SESSION

- 5A. **REAL PROPERTY NEGOTIATIONS - CONFERENCE WITH REAL PROPERTY NEGOTIATOR** (*Pursuant to Government Code §54956.8*) – Property – APN010-490-08, Bishop, California – Negotiating Parties – County Administrator, Kevin Carunchio, Assistant County Administrator, Rick Benson, and Public Works Director, Clint Quilter, and Joseph Enterprises - Negotiating Parties, Steve Joseph, Scott Piercey, Wayne Lamb and Jeff Shepard – Negotiations – Terms and Conditions.

DEPARTMENTAL

- 23A. **COUNTY ADMINISTRATOR – CLERK-RECORDER** - Request Board consider opposing Assembly Bill 291 (Medina) and approving correspondence conveying the County's position, and authorize the Chairperson to sign.



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

5A

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

FROM: County Administrator

FOR THE BOARD MEETING OF: March 17, 2015

SUBJECT: Closed Session

DEPARTMENTAL RECOMMENDATION:

REAL PROPERTY NEGOTIATIONS - CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Pursuant to Government Code §54956.8) – Property – APN010-490-08, Bishop, California – Negotiating Parties – County Administrator, Kevin Carunchio, Assistant County Administrator, Rick Benson, and Public Works Director, Clint Quilter, and Joseph Enterprises - Negotiating Parties, Steve Joseph, Scott Piercey, Wayne Lamb and Jeff Shepard – Negotiations – Terms and Conditions.

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 Assistant Clerk of the Board.) Approved: _____ Date _____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor-controller prior to submission to the Assistant Clerk of the Board.) Approved: _____ Date _____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the Assistant Clerk of the Board.) Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)

Date: _____



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER
23A

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

FROM: County Administrator & Clerk-Recorder

FOR THE BOARD MEETING OF: March 17, 2015

SUBJECT: Assembly Bill 291

DEPARTMENTAL RECOMMENDATION:

Request your Board consider opposing Assembly Bill 291 (Medina) and approving correspondence conveying the County's position, and authorize the Chair to sign.

SUMMARY DISCUSSION:

The California Environmental Quality Act (CEQA) CEQA requires a local agency that approves or determines to carry out a project subject to CEQA to file a notice of the approval or determination with the County Clerk of each county in which the project will be located and requires the County Clerk to make the notice available for public inspection. The Inyo County Clerk Recorder has created and administers an electronic notification system which notifies recipients of all such filings. This electronic notification system allows County staff as well as the public to easily monitor the CEQA status of projects being proposed in the County, including those by other entities such as the City of Los Angeles Department of Water and Power. (It is one of the only, if not the only such electronic notification system we are aware of in the State.)

Assembly Bill 291 would allow a local agency, for certain water projects, to file the CEQA notices with the County Clerk of the county in which the local agency's principal office is located in lieu of the County Clerk of each county in which the project is located and would, if the local agency exercises this authorization, require the local agency to file the notice with the Office of Planning and Research.

In effect, AB 291 could allow LADWP to file its CEQA notices for water projects in the Owens Valley with the Los Angeles County Clerk and avoid filing the notices with the Inyo County Clerk, thereby diminishing the ability of the County and the general public to monitor Los Angeles' water-related projects in Inyo County. For this reason, staff requests your Board consider opposing AB 291.

ALTERNATIVES:

Your Board could choose not to take a position on AB 219 or modify the letter.

OTHER AGENCY INVOLVEMENT:

If passed, the legislation could change how and where the City of Los Angeles Department of Water and Power files documents prepared in accordance with the California Environmental Quality Act.

FINANCING:

There is not cost associated with considering a position on AB 291.

<u>APPROVALS</u>	
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)

 _____ Date: 3/12/2015

 _____ Date: 03-13-2015

The Honorable Jose Medina
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0061

Assembly Member Medina,

On behalf of the Inyo County Board of Supervisors, I wish to express our **opposition** to Assembly Bill 291.

Assembly Bill 291 would authorize a local agency, for certain water projects, to file the notice with the county clerk of the county in which the local agency's principal office is located in lieu of the county clerk of each county in which the project is located.

The basic purposes of CEQA are to ensure that public agency discretionary projects avoid or minimize environmental damage where feasible, and to inform governmental agencies and the public about the potential, significant environmental impacts of proposed project activities. Informing the public is achieved through public agencies and project applicants filing Notices with the County Clerk or Office of Planning and Research State Clearinghouse.

Public discourse is one of the primary purposes of CEQA, and Notices are the primary means in which disclosure is carried out. If a Notice is not filed with the County where the project is located, the public may not have the opportunity or sufficient time to review and comment on the project's impacts.

Also, other local government agencies are typically made aware of projects because Lead Agencies and applicants are required to file Notices with the County Clerk in their jurisdictions. If a Notice is not filed in the County where the project is located, there is increased risk that local government will not have the opportunity to review the project impacts on the environment and offer comments and recommendations to reduce impacts.

Inyo County has a long relationship with the Los Angeles Department of Water and Power (LADWP), dating back over 100 years. Their principle office is located outside of Inyo County. We are still researching how this bill would affect our ability to monitor projects subject to CEQA with LADWP.

For these reasons, we oppose Assembly Bill 291.

ASSEMBLY BILL

No. 291

Introduced by Assembly Member Medina

February 11, 2015

An act to amend Section 21152 of, and to add Section 21152.2 to, the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 291, as introduced, Medina. California Environmental Quality Act: local agencies: notice of determination: water.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

CEQA requires a local agency that approves or determines to carry out a project subject to CEQA to file a notice of the approval or determination with the county clerk of each county in which the project will be located and requires the county clerk to make the notice available for public inspection.

This bill would authorize a local agency, for certain water projects, to file the notice with the county clerk of the county in which the local agency's principal office is located in lieu of the county clerk of each

county in which the project is located and would, if the local agency exercises this authorization, require the local agency to file the notice with the Office of Planning and Research.

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

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

1 SECTION 1. Section 21152 of the Public Resources Code is
2 amended to read:

3 21152. (a) ~~If~~*Except as provided in Section 21152.2, if* a local
4 agency approves or determines to carry out a project that is subject
5 to this division, the local agency shall file notice of the approval
6 or the determination within five working days after the approval
7 or determination becomes final, with the county clerk of each
8 county in which the project will be located. The notice shall
9 identify the person or persons in subdivision (b) or (c) of Section
10 21065, as reflected in the agency's record of proceedings, and
11 indicate the determination of the local agency whether the project
12 will, or will not, have a significant effect on the environment and
13 shall indicate whether an environmental impact report has been
14 prepared pursuant to this division. The notice shall also include
15 certification that the final environmental impact report, if one was
16 prepared, together with comments and responses, is available to
17 the general public.

18 (b) If a local agency determines that a project is not subject to
19 this division pursuant to subdivision (b) of Section 21080 or
20 pursuant to Section 21172, and the local agency approves or
21 determines to carry out the project, the local agency or the person
22 specified in subdivision (b) or (c) of Section 21065 may file a
23 notice of the determination with the county clerk of each county
24 in which the project will be located. A notice filed pursuant to this
25 subdivision shall identify the person or persons in subdivision (b)
26 or (c) of Section 21065, as reflected in the agency's record of
27 proceedings. A notice filed pursuant to this subdivision by a person
28 specified in subdivision (b) or (c) of Section 21065 shall have a
29 certificate of determination attached to it issued by the local agency
30 responsible for making the determination that the project is not
31 subject to this division pursuant to subdivision (b) of Section 21080
32 or Section 21172. The certificate of determination may be in the

1 form of a certified copy of an existing document or record of the
2 local agency.

3 (c) A notice filed pursuant to this section shall be available for
4 public inspection, and shall be posted within 24 hours of receipt
5 in the office of the county clerk. A notice shall remain posted for
6 a period of 30 days. Thereafter, the clerk shall return the notice to
7 the local agency with a notation of the period it was posted. The
8 local agency shall retain the notice for not less than 12 months.

9 SEC. 2. Section 21152.2 is added to the Public Resources Code,
10 to read:

11 21152.2. (a) For purposes of this section, “water project”
12 means an activity undertaken pursuant to Sections 1011, 1011.5,
13 and 1211 of, Chapter 2 (commencing with Section 1250), Chapter
14 6.6 (commencing with Section 1435), Chapter 10 (commencing
15 with Section 1700) and Chapter 10.5 (commencing with Section
16 1725) of Part 2 of Division 2 of, the Water Code.

17 (b) A local agency that is required to file a notice pursuant to
18 Section 21152 for a water project may, in lieu of the filing
19 requirements of that section, file the notice in the form required
20 by that section with the county clerk of the county in which the
21 local agency’s principal office is located.

22 (c) If the lead agency files a notice pursuant to this section, the
23 local agency shall also file the notice with the Office of Planning
24 and Research.

25 (d) (1) The county clerk receiving a notice pursuant to
26 subdivision (b) shall comply with subdivision (c) of Section 25112.

27 (2) (A) All notices filed pursuant to subdivision (c) shall be
28 available for public inspection, and a list of those notices shall be
29 posted on a weekly basis in the Office of Planning and Research.
30 Each list shall remain posted for a period of 30 days.

31 (B) Failure to file the notice pursuant to subdivision (c) does
32 not affect the validity of a project.