

MINUTES

County of Inyo Board of Supervisors

SPECIAL MEETING

April 29, 2013

The Board of Supervisors of the County of Inyo, State of California, met in special session at the hour of 9:00 a.m., on Tuesday, April 29, 2013, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Linda Arcularius presiding, Jeff Griffiths, Rick Pucci, and Mark Tillemans. Supervisor Matt Kingsley was absent. Supervisor Tillemans led the Pledge of Allegiance.

- Public Comment The Chairperson announced the public comment period. Ms. Sally Manning, a Bishop Resident and the Big Pine Tribe's Environmental Director, addressed the Board to express her concern that the Steward parcel in Big Pine, a DWP lease, is not being irrigated and asking the County to take action to see that it is irrigated. Ms. Manning went on to express her displeasure in the Water Commission Meeting scheduled for Big Pine being cancelled. She said this was not the first time and to say that it should not happen in the future. The Chairperson explained to Ms. Manning that the Water Director would address the meeting being cancelled later in the meeting when the Board discussed its response to the DWP Annual Operations Plan.
- Closed Session The Chairperson recessed open session at 9:06 a.m., to convene in closed session with all Board Members present except Supervisor Kingsley, to discuss and take action as appropriate on Agenda Item No. 2. ***PERSONNEL [Pursuant to Government Code §54957]***. Public Employee Performance Evaluation - Title – Director of Water Department. The Chairperson recessed closed session at 11:10 a.m., to reconvene in open session at 11:15 a.m., with all Board Members present, except Supervisor Kingsley.
- County Department Reports The Chairperson announced the County Department Report period. Ms. Susanne Rizo, Director of Child Support Services, provided a handout on the Budget and updated the Board on the Governor's proposal to reduce the CSS funding in the 13-14 State Budget by \$14.7 million and the impacts of the reductions on the County's allocation. Ms. Rizo went on to report on the CSS Oversight Committee Meeting and a change in the Mono Courts schedule. Ms. Jean Turner, Director of Health and Human Services, provided the Board with a budget handout and updated the Board on the Governor's proposal regarding CMSP funding and 1991 realignment funds. Mr. Josh Hart, Planning Director, provided the Board with a handout announcing the County has tentatively received a \$700,000 Renewable Energy & Conservation Planning Grant for its Renewable Energy General Plan Amendment and EIR.
- Ag./Position Request Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the position of Seasonal Field Assistants exists as certified by the Agricultural Commissioner and concurred with by the County Administrator and the Auditor-Controller; B) and where if the County was facing layoffs, the position could be filled by internal candidates meeting the qualifications for the position, but since no layoffs are pending, an open recruitment would be appropriate to ensure qualified applicants apply; and C) approve the hiring of two seasonal Field Assistants I at Range 050PT (\$13.90 - \$16.87 per hour), contingent upon the Board's adoption of future budgets. Motion carried unanimously, with Supervisor Kingsley absent.
- Water Dept./ LADWP Annual Operations Plan Response The Water Director, Dr. Bob Harrington, presented the Board with a draft of the County's response to the Department of Water and Power's (LADWP) proposed Annual Operations Plan. In response to Ms. Sally Manning's remarks during Public Comment, Dr. Harrington explained the Water Commission meeting was cancelled because the agenda which had been posted at the meeting location was removed prior to the 24 hour agenda publishing requirement of the Brown Act, which meant the meeting was not in compliance with the Brown Act thus necessitating the cancellation. Dr. Harrington confirmed that in the future the meeting notices would be posted in the kiosk at the Courthouse complex as well as at the meeting location.

Dr. Harrington went on to review the process established in the Long Term Water Agreement (LTWA) wherein LADWP drafts an Annual Pumping Plan, the County responds, the Technical Group attempts to resolve the County's issues, and LADWP provides the County with a final Operations Plan and implements it. He explained that when there are two consecutive dry years below 75% of normal run off LADWP is required to present two 6 month plans, the first covering the period between April 1 and September 30 and the second covering the period between October 1 and March 31. He said that LADWP has presented the County with its draft 6 month plan for the first 6 months of the 2013 runoff year. He provided the Board with a draft of the Water Department's comment letter.

Dr. Harrington reviewed the draft Annual Pumping Plan in detail, describing the required elements of the plan which included (a) runoff forecasts, (b) groundwater pumping by well field, (c) reservoir storage, (d) aqueduct deliveries to the city, (e) in valley water usages, (f) monitoring site soil water conditions and on/off conditions, and (g) groundwater mining calculations. The Board and Dr. Harrington discussed the Plan in detail and at length. In response to a question from Supervisor Griffiths, Dr. Harrington confirmed that generally from 1994 to present the water table has gone up, with Dr. Harrington noting that the water table fluctuates which is what can be expected from a groundwater basin that isn't being mined. Dr. Harrington explained that LADWP expects to pump between 70,000 and 80,000 acre ft. in the 2013 runoff year and if they only pump what is needed for in valley uses the Water Department has determined they would need about 58,000 acre ft.

The Board and Dr. Harrington went on to review the Water Departments analysis of the Plan. Dr. Harrington explained the ways in which the Department analyzes the Plan, including a well field by well field look at the condition of the water tables, monitoring wells used to evaluate the effects of the proposed pumping, and looking at the condition of vegetation with respect to baseline. Dr. Harrington indicated that based on the statistical analysis and vegetation monitoring it is expected that vegetation in some areas will be significantly below baseline this year. The Board and Dr. Harrington discussed the various tables which accompany the County's comment letter, including the information contained in the well field by well field narratives. The Board heard from Ms. Sally Manning a Bishop Resident and the Big Pine Tribe's Director of Environment, who questioned LADWP's numbers as well as the County's analysis, citing her own research, data, and statistics. She cautioned the Board to be critical of most of the information that is being provided and to take steps to protect the Owens Valley from what she perceives to be further environmental and economic damage as a result of pumping and water exportation by LADWP. Ms. Daris Moxley, a Bishop Resident and LADWP Leaseholder, expressed her concern with LADWP's proposal to reduce irrigation water to the leaseholders, explaining that LADWP expects her to irrigate her land with half of the water provided in previous years or she may lose her lease. Ms. Moxley continued to express her concern with impacts reductions in irrigation being proposed by LADWP could have on not only the ranching leases but on the recreational leases like the saddle clubs.

Dr. Harrington responded to the questions posed by both Ms. Manning and Ms. Moxley, going into detail on the proposed reductions of 20% to ranching irrigation. Dr. Harrington explained that LADWP is requesting a 20% reduction to lease irrigation which is outside of the Annual Operations Plan process. He said that he is planning on bringing LADWP's requests regarding the irrigation reductions on leases and those proposed in the Laws and Independence-Oak Creek well fields back next week for the Board's consideration. He explained the process whereby LADWP may request these types of reductions which is ultimately at the discretion of the Board of Supervisors and the Standing Committee. The Board and Dr. Harrington discussed the proposed 20% reduction. Supervisor Tillemans expressed a desire to see more than just the ranching leases targeted for irrigation reductions, saying that it should be a combination of savings and he would like to focus on other projects where water can also be saved. The Board and Dr. Harrington continued to discuss the comment letter. The County Administrator suggested an alternative to specifying two different levels of pumping in the Laws and Independence-Oak Creek well fields that would reflect something along the lines of "unless the Standing Committee agrees to some reduction in pumping..."

The Board continued to review the Water Departments comment letter, with Supervisor Arcularius requesting that the reference to the 2013 runoff year in the first page of the letter be better clarified. Dr. Harrington indicated that he would change the reference under the general comments section by rephrasing 2013 to read "2013-14 (April 1 through March 31)."

The Board and staff discussed the Drought Recovery Policy and its current status, as well the decline in the water table. Dr. Harrington provided additional information about the Drought Recovery Policy. He explained that under the policy the parties agreed that the pumping will be managed to recover the water table and soil moisture and pumping will be conducted conservatively as was done in 1990 and 1991. Dr. Harrington said that the pumping for 90-91 was 88,804 acre ft. and 91-92 was 87,310 acre feet. He said that the 78,000 acre ft. proposed to be pumped this year would be consistent with the conservative pumping as defined by the Drought Recovery Policy. Dr. Harrington went on to provide comparison numbers for the pumping which has occurred in the Valley from **over** 200,000 acre ft. in 1987 to between the high 50,000 to low 90,000 since the LTWA came into effect in 1991. He explained the effect of the water agreement has been to keep pumping within a range that is higher than it was in the 1960's, lower than it was in the 1970's and far lower than it was in the late 1980's. Supervisor Griffiths asked what the pumping numbers would look like if the Drought Recovery Policy were enforced. Dr. Harrington explained that it would be in the 58,000 to 90,000 acre ft. range.

The Board Members continued to talk about many aspects of the plan and the County comment letter, with the Board asking that a statement be added to the comment letter that encourages LADWP to work cooperatively with the County to find solutions that impact our local communities. With regard to that request, the County Administrator suggested that at the end of the second paragraph a sentence be added that says "However beyond the requirements relative to the Annual Operations Plan the Board of Supervisors has asked me to convey the need for LADWP to cooperate in finding solutions to the collateral issues effecting not only the local environment but also our economy."

Recess/
Reconvene

The Chairperson recessed the regular meeting at 1:15 p.m., to reconvene in open session at 1:45 p.m., with all Board Members Present, except Supervisor Kingsley.

The Board and staff continued the discussions on the comment letter. Supervisor Griffiths expressed concern with the Big Pine numbers and asked how much was exported and how much was for in valley uses. Dr. Harrington explained that the water provided to hatchery is export water and the remainder is for town use. He explained that the numbers in the draft letter and on the table for Big Pine needed to be corrected to 10,800 acre ft. In response to a question posed earlier in the discussion by Ms. Manning regarding LADWP's intentions to reduce pumping at Blackrock, Dr. Harrington said that he has received word that LADWP has decided to postpone the reduction until runoff is more normal. Dr. Harrington noted the copy of the comment letter with the CAO's revisions and provided the Board with a copy of the revised Table which reflects the well field comparison numbers between what LADWP is proposing and what the County is recommending, which will be an appendices to the letter. The Board and Dr. Harrington also briefly discussed the consequences of LADWP exceeding the recommended pumping like they did last year, with the Board asking that the comment letter contain a reference to not exceeding the pumping range. Dr. Harrington suggested that he add a sentence that would say the County expects the actual pumping will fall within the range identified for pumping in the Plan.

Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve the Water Departments comment letter responding to the LADWP Annual Operations Plan, as amended to reflect the Board's discussion regarding the Plan, to incorporate the changes suggested by the County Administrator as reflected in the noted copy of the letter and to reflect the changes in the Big Pine well field numbers in the table and the narrative. Motion carried unanimously, with Supervisor Kingsley absent.

Planning/Forest
System Land
Management
Planning Directives

The Planning Director, Mr. Josh Hart, recapped the County's participating in the development of the Land Management Planning Rule and reviewed the draft correspondence regarding the National Forest System Land Management Planning Directives. Supervisor Arcularius remarked on many areas of the Directives, noting that it was a 400 page document. She noted that (a) the County should highlight its works regarding coordination on the INF Plan Update and ask the process be incorporated into the Directives, (b) that coordination include the Regional and National Forest Services Offices; (c) that we ask that the local governments role be expanded; (d) provide a definition for suitability that is referenced in many sections; (e) expand socioeconomic issues, more precisely recreation should be addressed more specifically; (f) narrow the how species of concern are addressed; (g) address information gathering; and (h) enhance the search capabilities of the document.

Moved by Supervisor Tillemans and seconded by supervisor Pucci to approve the correspondence regarding the National Forest System Land Management Planning Directives as amended to reflect the items addressed by Supervisor Arcularius; and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Kingsley absent.

CAO-Personnel/
DSA MOU

Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve the May 1, 2013 through April 30, 2016 Comprehensive Memorandum of Understanding between the County of Inyo and the Deputy Sheriff's Association; and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Kingsley absent.

CAO-Personnel/
Avery Agreement

The County Administrator provided additional information and further justification for contracting for recruitment services to find a replacement for the retiring County Counsel. Supervisor Arcularius explained that she was not supporting this recommendation because she did not think it was a good use of County funds. Moved by Supervisor Pucci and seconded by Supervisor Griffiths to approve an Agreement between the County of Inyo and William Avery & Associates for Executive Recruitment Services for County Counsel, in an amount not to exceed \$27,000 for the period of April 29, 2013 through December 31, 2013, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried on a three-to-one vote, with Supervisors Griffiths, Pucci and Tillemans voting yes, with Supervisor Arcularius voting no and with Supervisor Kingsley absent.

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

The County Administrator recommended the emergency be continued until staff has an opportunity to update the Board on the status of the road conditions in the area. Moved by Supervisor Pucci and seconded by Supervisor Griffiths to continue the local emergency, The Death Valley Roadeater Emergency, that resulted in flooding in the eastern portion of Inyo County during the month of August 2012, per Resolution #2012-32. Motion carried unanimously, with Supervisor Kingsley absent.

HHS-Mental Hlth.
Serv./CMHP
Contract

Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to ratify the amendment to the County Mental Health Plan Contract Term from December 31, 2012 to April 30, 2013 and authorize the Mental Health Director to sign. This agreement is between Inyo County Mental Health and DHCS in the amount not to exceed \$811,607 for the period of April 1, 2012 through April 30, 2013. Motion carried unanimously, with Supervisor Kingsley absent.

BofS/Minute
Approval

Supervisor Tillemans asked that the minutes of the April 16, 2013 minutes be amended to reflect on page three the first paragraph that Onion Valley Road and Glacier Road were the second and third priorities on the list. Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to approve the minutes of the Board of Supervisors Meetings as follows: A) the Regular Meeting of April 2, 2013; B) the Special Meeting of April 4, 2013; C) the Special Meeting of April 8 & 9, 2013; and D) the Regular Meeting of April 16, 2013, as amended. Motion carried unanimously, with Supervisor Kingsley absent.

Public Comment

The Chairperson announced the second public comment period. Mr. Earl Wilson, Lone Pine Resident asked for further clarification on the Recruitment Contract with Avery & Associates. The County Administrator explained that the Initial Retainer was separate from the Professional Services which were in place to pay for advertising, travel etc.

Closed Session

The Chairperson recessed open session at 2:55 p.m., to convene in closed session to discuss and take action as appropriate on Agenda Item No. 12. **PERSONNEL [Pursuant to Government Code §54957].** Public Employee Appointment – Title - County Counsel.

Report on Closed
Session

The Chairperson recessed closed session at 4:15 p.m., to reconvene in open session to receive a report on closed session. County Counsel reported there were no items discussed in closed session that are required by law to be reported on in open session.

Adjournment The Chairperson adjourned the Special Meeting at 4:15 p.m.

Chairperson, Inyo County Board of Supervisor

*Attest: KEVIN D. CARUNCHIO
Clerk of the Board*

by _____
Patricia Gunsolley, Assistant