

MINUTES

County of Inyo Board of Supervisors

October 15, 2013

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:30 a.m., on Tuesday, October 15, 2013, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Linda Arcularius presiding, Jeff Griffiths, Rick Pucci, Mark Tillemans and Matt Kingsley.

- Public Comment The Chairperson announced the public comment period and there was no one wishing to comment.
- Closed Session The Chairperson recessed open session at 8:30 a.m., to convene in closed session, with all Board Members present to discuss and take action as appropriate on Agenda Items No. 2. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(d)(1)]** - City of Los Angeles, Department of Water and Power of the City of Los Angeles v. Inyo County Board of Supervisors, et al. Inyo County Superior Court Case No. 12908; Blackrock 94 Dispute Resolution; No. 3. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(d)(1)]** - Sprint Telephony PCS, LP et al., v. State Board of Equalization et al., San Francisco Superior Court Case No. CGC-11-51138; No. 4. **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: Information Services Director Brandon Shults and Labor Relations Administrator Sue Dishion; No. 5. **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: Information Services Director Brandon Shults and Labor Relations Administrator Sue Dishion; No. 6. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code § 54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Inyo County Probation Peace Officers Association (ICPPOA) - Negotiators: Information Services Director Brandon Shults, Chief Probation Officer Jeff Thomson, and Labor Relations Administrator Sue Dishion; and No. 7. **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: Information Services Director Brandon Shults and Labor Relations Administrator Sue Dishion.
- Recess/
Reconvene The Chairperson recessed the regular meeting at 9:40 a.m., to reconvene in open session at 10:00 a.m., with all Board Members present.
- Pledge Supervisor Tillemans led the Pledge of Allegiance.
- Public Comment The Chairperson announced the public comment period. Mr. Alexander "Skandar" Reid, of Bishop addressed the Board to talk about the deer migration and the increased traffic in the area as a result of the Federal Shutdown. He asked if some kind of temporary signage could be put in place to make people aware of the migrating deer.
- County Department
Reports The Chairperson announced the County Department Report period. Mr. Tom Hardy, District Attorney, updated the Board on the status of the Court proceedings in the Rossi matter. Ms. Susanne Rizo, Director of Child Support Services, reported on her Department's activities. Mr. Clint Quilter, Public Works Director, reported on the status of the Independence Road Rehabilitation Project. Dr. Bob Harrington, Water Director, provided the Board with the Agenda for the upcoming Central Nevada Water Authority Great Basin Water Forum, being held in Bishop at the Tri-County Fairgrounds on Friday. Ms. Jean Turner, Director of Health and Human Services, report on potential program impacts of the Federal Shutdown. Mr. Jon Klusmire, Museum Administrator, provided additional information on the 100 mule walk to celebrate the

100th Anniversary of the LA Aqueduct and informed the Board that Lone Pine Shoot-out Winners photographs have been included on the webpage. Mr. Josh Hart, Planning Director, reported on the Renewable Energy General Plan Amendment outreach and the Housing Element outreach.

- CAO-Personnel/
ICEA MOU The County Administrator noted that one of the attachment provided had the wrong date and the correct document has been provided to the Clerk. Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to approve and ratify the Memorandum of Understanding between the County of Inyo and Inyo County Employees Association (ICEA) for the period of October 1, 2013 through September 30, 2016; and authorize the Chairperson to sign. Motion carried unanimously.
- Resol. #2013-50/
Non-Represented
Salary & Conditions On a motion by Supervisor Griffiths and a second by Supervisor Tillemans, Resolution No. 2013-50, titled "A Resolution of the Board of Supervisors, County of Inyo, State of California, Setting Salary, Terms and Conditions of Employment for Non-Represented Employees Employed in Several Offices or Institutions of the County of Inyo and Rescinding 2007-32," was approved: motion unanimously passed and adopted.
- Resol. #2013-51/
Management
Employees Salary &
Conditions On a motion by Supervisor Griffiths and a second by Supervisor Tillemans, Resolution No. 2013-51, titled "A Resolution of the Board of Supervisors, County of Inyo, State of California, Rescinding Resolution 2006-05 and Setting Salary and/or Terms and Conditions of Employment for Management Employees Employed in the Several Offices or Institutions of the County of Inyo," was approved: motion unanimously passed and adopted.
- Resol. #2013-52/
Rescinding Premium
Pay Resolutions On a motion by Supervisor Griffiths and a second by Supervisor Tillemans, Resolution No. 2013-52, titled "A Resolution of the Board of Supervisors, County of Inyo, State of California, Rescinding Resolutions 2007-22, 2007-48 and 2008-20 Regarding Premium Pay to County Officers and Employees for Certain Required Licenses and Certifications," was approved: motion unanimously passed and adopted.
- CAO-Personnel/
Moskowitz Contract Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to approve Amendment No. 2 to the Agreement between the County of Inyo and Marvin Moskowitz for personal services as a County Officer, for a salary of \$8,956 per month and authorize the Chairperson to sign. Motion carried unanimously.
- Resol. #2013-53/
Appointed Officials
Salary & Conditions
of Employments On a motion by Supervisor Griffiths and a second by Supervisor Tillemans, Resolution No. 2013-53, titled "A Resolution of the Board of Supervisors, County of Inyo, State of California, Amending Resolution 2006-06 Changing Salary and/or Terms and Conditions of Employment for Appointed Officials Employed in the Several Offices or Institutions of the County of Inyo," was approved.
- Clerk-Elections/
Appointments In
Lieu of Election Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to issue the order declaring appointed in lieu of election those candidates submitted for the Special Districts for the November 5, 2013 UDEL Election. Motion carried unanimously.
- P.W./Revised Plans
& Specs Truck
Scales Supervisor Pucci clarified that the truck scales being considered in this item will be used solely for the purpose of solid waste management. Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to approve the revised plans and specifications for the Bishop-Sunland Landfill Truck Scale Project and authorize the Public Works Director to advertise and bid the project. Motion carried unanimously.
- P.W./Assignment &
Assumption of Pest
Control Agreement Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to approve the Assignment and Assumption Agreement with Terminix for pest control for the County facilities, for the period of July 1, 2011 through June 30, 2016. Motion carried unanimously.
- Rd. Dept./Road
Closures Mr. Clint Quilter, Public Works Director, requested that Whitney Portal Road be added to the roads being recommended for closure for the 100 Mule Walk. Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to approval the closures of Mazourka Canyon Road, Manzanar Canyon Road, Tuttle Creek Road, Lubken Canyon Road, Old State Highway (Olancha area), Cerro Gordo St., Sulfate Road, 9 Mile Canyon Road and Whitney Portal Road, from October 18 through 28, 2013, during the hours of 8:00 a.m., to 3:00 p.m., as recommended by staff. Motion carried unanimously.

P.W.-CAO/Indy Solar Project Update	The Board received a presentation from the Deputy Public Works Director, Mr. Jim Tatum, regarding the recently completed Independence Campus Solar Project. Recently retired Inyo County Employee Paul Hancock, who worked tirelessly on the project prior to his retirement addressed the Board to commend the Solar City staff that worked on the project. Mr. Jim Stroh, Independence Resident, addressed the Board to support the project.
HHS-Soc. Serv./ Position Request	Moved by Supervisor Kingsley 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 Office Assistant exists in the Social Services budget, as certified by the Director of Health and Human Services, and concurred with by the County Administrator and Auditor-Controller; B) where if the County was facing layoffs, the position could be filled by internal candidates meeting the qualifications for the position, but since no layoffs are pending, an open recruitment would be appropriate to ensure qualified applicants apply and C) approve the hiring of one Office Assistant I at Range 44 (\$2,259 - \$2,750) or Office Assistant II at Range 46 (\$2,358 - \$2,877), depending upon qualifications. Motion carried unanimously.
HHS-Inyo First 5/ Family Strengthening Contract	Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to approve the Contract between the County of Inyo and the Lone Pine Unified School District for the provision of Family Strengthening services for the period of July 1, 2013 through June 30, 2014, in an amount not to exceed \$15,500; and authorize the Chairperson to sign. Motion carried unanimously.
HHS-ESAAA/Mono County Services Contract Amendment	Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to ratify Amendment 2 to the Contract between the County of Inyo and Mono County for the provision of Eastern Sierra Area Agency on Aging (ESAAA) services to Mono County resident senior citizens decreasing the amount provided by \$3,307 to a total amount of \$286,599, for the period of October 1, 2012 through June 30, 2016; and authorize the Chairperson to sign. Motion carried unanimously.
Planning/Forest Plan Update/Revision	The Planning Director, Mr. Josh Hart, updated the Board on the limited activities that have taken place on the coordination with Forest service staff regarding the Inyo National Forest Plan Update/Revision because of the Federal Shutdown.
Emerg. Serv./D.V. Roadeater Emerg.	The County Administrator recommended that the Board continue the D.V. Roadeater Emergency. Moved by Supervisor Tillemans and seconded by Supervisor Kingsley 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.
Emerg. Serv./Gully Washer Emerg.	The County Administrator recommended the Board continue the Gully Washer Emergency. Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to 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. Motion carried unanimously.
Emerg. Serv./Canyon Crusher Emerg.	The County Administrator recommended the Board continue the Canyon Crusher Emergency. Moved by Supervisor Griffiths and seconded by Supervisor Pucci to continue the local emergency, The Canyon Crusher Emergency that resulted in flooding in portions of Inyo County during the month of August, 2013. Motion carried unanimously.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 11:45 a.m., to convene as the Capitol Asset Leasing Corporation. The Chairperson reconvened the regular meeting at 11:47 a.m., to immediately recess.
BofS/Solar Project Tour	During the Board's lunch break, the Board took the opportunity to tour the new installation of the Solar Project at the Independence Campus.

Board Members and Staff Reports

The Chairperson reconvened the regular meeting in open session at 1:48 p.m., with all Board Members present. The Board Members reported on their activities during the preceding week, including the Big Pine Heritage Walk, an IMACA Meeting, a Bishop City Council Meeting, the Lone Pine Film Festival, a meeting in Homewood Canyon, and a Western Counties Alliance Conference Call.

CAO-Planning-County Counsel/Comment Letter on Solar Ranch Project

The Board received a presentation from John Hart, Planning Director on the City of Los Angeles Department of Water and Power Proposed Southern Owens Valley Solar Ranch Project. Mr. Hart provided a detailed overview of the draft correspondence commenting on the Draft EIR. The Board and staff discussed the correspondence and Draft EIR at length. The Board heard from the following members of the public regarding the comments and the project:

Mr. Mike Prather questioned the speed of the process of the project. He also expressed his concerns with the visual impacts from the Inyo Mountains and the inability to mitigate these impacts, the cumulative effects of future projects, bird mortality, impact on the LORP, and the need for a decommissioning plan, saying that he rejects this project where it is located. Supervisor Griffiths reiterated that there are genuine factors that affect the amount of influence the County has on this project. The County Administrator added that the County has made it clear from the beginning that the County is basically attempting to leave all of its options open with regard to this project, but that when everything is said and done the Board has very little input on this other governmental agencies project, other than being a commenter. The County Administrator went on to talk about the transmission capacity and future impacts of expansion to that transmissions capacity.

Mr. Daniel Pritchett, a Board Member of the Owens Valley Committee, addressed several items. He asked that the sentence addressing aesthetics that says mitigation measures should be evaluated to address the concerns including landscaping and trees be removed. He said you cannot mitigate for the view shed problems from the Inyo Mountains. He went on to ask that a sentence be added to get the County on record that the project should comply with the County's General Plan, whether or not we can compel them to comply or not. Mr. Pritchard strongly disagreed with the Draft EIR statement in the No Program Alternative that appears to imply that it is Inyo County's responsibility to solve LADWP's problem with meeting its greenhouse gas reductions. He asked that a sentence be added to say that should the No Project Alternative be chosen, LADWP would simply have to seek other means of meeting their State legislative mandates and City of Los Angeles policies. Mr. Pritchard also said that he does not believe there is sufficient data to support the statement in the cover letter that the issues can be addressed to the benefit of the City, the County, and other parties, and the environment to make this project a success and asked that it be removed. Several Board Members commented that just because the Draft EIR makes a statement, i.e., the No Project Alternatives, it does not mean that the County or the Board of Supervisors buys into that statement.

Mr. Bill Helmer, Tribal Historic Preservation Officer for the Big Pine Paiute Tribe and a resident of Independence, addressed the Board to reiterate comments he has made in his last two appearances before the Board on this project. Mr. Helmer also suggested that the Board request at least a one month extension in the comment period, and strongly objected to the Board entering into an MOU with DWP on this project. Mr. Helmer questioned the approval process for the MOU, and the County Administrator explained that no MOU has been forthcoming. Mr. Carunchio said that the sequence of events that have transpired has been beneficial to the County, in that the Board has been able to take comment from the public, received Department's analysis regarding the impacts to County services and programs, developed a comment letter to the Draft EIR prior to considering a MOU. He said that ideally the County will have the opportunity to see the responses to the Draft EIR prior to further consideration of an MOU.

Mr. Allen Bacock, a Member of the Big Pine Paiute Tribe of the Owens Valley, an Employee of the Tribe and a Board Member of the Owens Valley, addressed the Board to oppose the project and ask that the Board protect the pristine beauty of the Owens Valley from projects like this, for future generations.

Mr. Jim Stroh, Independence Resident, addressed the Board to reiterate previous comments he

has made regarding this project. He recommended that the comments be amended to include repairing Manzanar Reward Road from U.S. 395 to the project, and in the event the project is built that property issues in Independence be addressed, i.e. possibly using the Winnedumah Hotel as a "workers hostile."

Ms. Lynn Johnson, a Resident of Independence, addressed her concerns that the cultural resources study is deficient, saying that the statement in the Draft EIR that says cultural resources impacts will be less than significant with mitigation is wrong.

The County Administrator shared some suggestions and changes to the letter as follows: on page 5 under item 10: Population and Housing - add a sentence to the end of the paragraph that such mitigation could include campground improvements, worker housing located near the Jail, and an in field development of multi family housing on City owned parcels within existing town sites; under Item 11 on the second line after the word utilities add "particularly Sheriff's services; and under the bulleted section dealings with various recycling requirements add a sentence that says also ensure adequate in County disposal capacity exists as residual waste generated by the construction/operation of the project, the County requests the City provide it with 20 year leases for City owned solid waste facilities instead of the current 5 year leases. Supervisor Griffiths asked that a change be made in the first paragraph of Item 11 to say "partially" addresses impacts so it's on record that the County is not being made whole. The County Administrator suggested the phrase "begins to..." be used. The County Counsel, Marge Kemp-Williams asked that under Item 9 the second to the last sentence in the first paragraph say "...although LADWP maybe immune 65402(b), there is an argument to be made,"

Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to approve the correspondence on the Draft Environmental Impact Report for City of Los Angeles Department of Water and Power Proposed Southern Owens Valley Solar Ranch Project as amended to reflect today's discussion; and authorize the Chairperson to sign. Motion carried unanimously.

- Public Comment The Chairperson announced the public comment period and there was no one from the public wishing to address the Board.
- Closed Session The Chairperson recessed open session at 4:00 p.m., to reconvene in closed session, with all Board Members present to continue discussion and action as appropriate on previously noted closed session items.
- Report on Closed Session The Chairperson recessed closed session at 4:45 p.m., 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 regular meeting at 4:45 p.m., to 8:30 a.m., November 5, 2013, in the Board of Supervisors Room, at the County Administrative Center, in Independence.

Chairperson, Inyo County Board of Supervisor

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

by: _____
Patricia Gunsolley, Assistant