



County of Inyo Board of Supervisors

March 17, 2015

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:35 a.m., on Tuesday, March 17, 2015, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Matt Kingsley, presiding, Dan Totheroh, Rick Pucci, Jeff Griffiths, and Mark Tillemans.

- 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 8:35 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 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, Assistant County Administrator, Rick Benson, Deputy Personnel Director, Sue Dishion, and Information Services Director, Brandon Shults; No. 3. **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, Assistant County Administrator, Rick Benson, Deputy Personnel Director, Sue Dishion, and Information Services Director, Brandon Shults; No. 4. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code § 54956.9(d)(1)]** - *Bishop Paiute Tribe, v. Inyo County; WILLIAM LUTZE, Inyo County Sheriff; THOMAS HARDY, Inyo County District Attorney; United States District Court Eastern District of California Court Case No. 1:15-CV-00367-JLT; No. 5. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(d)(1)]. Verizon California Inc., v. California State Board of Equalization et al., Sacramento County Superior Court Case Nos. 34-2015-00175631, 34-2015-00175609, 34-2015-00175621, 34-2015-00175627 (Verizon 3); and No. 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.*

- Recess/
Reconvene The Chairperson recessed closed session at 10:00 a.m., to reconvene in open session at 10:10 a.m., with all Board Members present.

- Pledge Supervisor Jeff Griffiths led the Pledge of Allegiance.

- Public Comment The Chairperson announced the second public comment period and there was no one from the public wishing to address the Board.

- Introductions The following employees in the Health and Human Services Department were introduced to the Board: Ms. Sarah Downard, Integrated Case Worker, Mr. Tuche Stone, Office Clerk, and Ms. Haley Carter, Office Technician.

- CAO-General/Film
Commissioner
Contract
Amendment Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve Amendment #2 to the Contract between the County of Inyo and Chris Langley for Film Commissioner Services extending the term of the Contract 15 months through June 30, 2016, increasing the amount by \$46,500 to a total amount not to exceed \$122,525, contingent upon the Board adoption of future budgets; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.

P.W./Wadell Engineering Contract Amendment #4	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve Amendment No. 4 to the Contract between the County of Inyo and Wadell Engineering Corporation for on-call Airport engineering and planning services, adding the Bishop Airport –Airfield Lighting, Signing, and Visual Aids Rehabilitation Project for \$127,055, increasing the total amount of the Contract to an amount not to exceed \$1,133,625, contingent upon the Board’s adoption of future budgets; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
P.W./DWP Right of Entry Agreement	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve the “Right of Entry” Agreement provided by the Los Angeles Department of Water and Power for the Walker Creek and Carroll Creek bridge projects; and authorize the Public Works Director to sign. Motion carried unanimously.
Water/Irrigation Decrease for DWP Owned Lands	Dr. Bob Harrington, Water Director, provided additional information and further justification for the request, in order to facilitate better management of drought-condition flows in Bishop Creek, to consider agreeing to allow the County’s Standing Committee representative’s to authorize that the Standing Committee allow a one-year 23% reduction in irrigation on some LADWP owned lands upstream of Bishop Creek, due to the drought, contingent on special conditions being met. The Board and Dr. Harrington discussed the proposal in depth and at length. The Board received comments from Daris Moxley, a Bishop Resident and DWP lessee questioned the equitable distribution of the water: Mr. Mark Lacy, a DWP lessee who said that he believes that the current conditions will warrant that everyone will have to conserve; and Mr. Terry Russi of Bishop who provided personal comments regarding the drought. The Board and staff continued to discuss the reduction in irrigation and the impacts of the drought on the Valley, including setting a precedent by referencing less than 75% of normal runoff as the number to allow for reductions in irrigation, and removing the reference to the 75% in the action. Mr. Steve Stephens, President of the Bishop Creek Water Association, told the Board the Association has a plan and is working with DWP, SCE, and the Tribe, and they need the County behind them. Moved by Supervisor Griffiths and seconded by Supervisor Tillemans that pursuant to Long Term Water Agreement Section 4A the Board agrees that the Standing Committee may approve a one-year reduction, during the 2015-2016 run off year of April 1, 2015 to March 31, 2016, whereby irrigation may be reduced by 23% on Los Angeles-owned land irrigated from Bishop Creek located upstream of the Bishop Creek Canal due to the forecasted 2015-2016 Owens Valley April 1 st Run-off forecast and that LADWP agree that the irrigation reductions will be managed equitably and in consideration of the businesses and the operational needs of individual lessees and that this approval does not set any precedent or in any way bind the County concerning future reductions in irrigation due to dry year conditions. Motion carried unanimously.
Water/CDWR Letter Re: Groundwater Basin Boundaries	Dr. Harrington, Water Director, reviewed the letter to CDWR concerning revisions to groundwater basin boundaries. The Board and staff discussed the correspondence. Ms. Carmen Gonzales, Environmental Specialist for the Owens Valley Indian Water District, opposed sending the letter. Moved by Supervisor Totheroh and seconded by Supervisor Pucci to approve a letter to the California Department of Water Resources concerning revisions to groundwater basin boundaries, and authorize the Chairperson to sign. Motion carried unanimously.
BofS/Big Pine Tribe Consultation Request	The Chairperson asked if there were representatives of the Big Pine Tribal Council present who wished to talk with the Board about the Council’s issues with the draft REGPA. Supervisor Tillemans explained that in conversation with Chairwoman Jones, she had expressed a hope that some Tribal Council Members might be able to attend today’s meeting to talk with the Board about the REGPA, but that timing and scheduling changes had prevented that. He said that Chairwoman Jones appreciated the offer to meet with the Council, and Supervisor Tillemans said that he felt through the Planning Department the County would continue to consult with the Big Pine Tribe.
Water/LORP Annual Work Plan	The Water Director, Dr. Bob Harrington, reviewed the FY 2015-16 LORP Annual Work Plan. Moved by Supervisor Pucci and seconded by Supervisor Tillemans to adopt the 2015-2016 Fiscal Year LORP Annual Work Plan. Motion carried unanimously.
HHS-ESAAA/Sr. Legislation	The Board received a presentation from Mr. Richard Cervantes, Inyo County Representative to the California Senior Legislature, who updated the Board regarding Senior Legislation.

BofS/Film Commissioner Report	Mr. Chris Langley, Film Commissioner, reported on filming in the County over the past several months. He highlighted some of the problems that California and Inyo County has been encountering regarding filming and permitting.
Recess/Reconvene	The Chairperson recessed the regular meeting at 12:20 p.m., to reconvene in open session at 1:00 pm., with all Board Members Present.
Planning/2014 General Plan Annual Progress Report	Ms. Elaine Kabala, Associate Planner, reviewed the draft Inyo County 2014 General Plan Annual Progress Report. Moved by Supervisor Pucci and seconded by Supervisor Tillemans to accept draft Inyo County 2014 General Plan Annual Progress Report and direct staff to forward the Plan to the State of California's Department of Housing and Community Development and Governor's Office of Planning and Research. Motion carried unanimously.
CAO-Risk/Kirby Contract Amendment	Moved by Supervisor Tillemans and seconded by Supervisor Pucci to approve Amendment #1 to the Contract between the County of Inyo and John D. Kirby, A.P.C., for the provision of litigation services, increasing the contract amount by \$50,000 to a total Contract amount of \$225,000; and authorize the Chairperson to sign. Motion carried unanimously.
Integ. Waste/Round Fire Waste	Assistant County Administrator, Rick Benson, provided additional information and further justification regarding CalRecycle's request that Inyo County accept some types of waste and offer assistance for the disposal of Round Fire waste. Ken Stewart of CalRecycle also addressed the Board to talk about the types of waste that is involved in this request. Moved by Supervisor Totheroh and seconded by Supervisor Griffiths to A) temporarily wave the restriction on accepting out of County waste subject to approval by the Los Angeles Department of Water and Power; B) approve a temporary staging area for CalRecycle at the County landfill for hazardous waste subject to approval by LADWP and execution of necessary assurance documents will all appropriate signatures; and C) authorize the Assistant County Administrator to execute any assurance documents, contingent on appropriate signatures being obtained, with CalRecycle, the County of Mono, and/or other agencies to ensure any costs to the County are fully reimbursed and the County is protected from future liability associated with providing the assistance being considered here. Motion carried unanimously.
Emerg. Serv./D.V. Roadeater Emergency	Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to continue the local emergency, The Death Valley Roadeater Emergency, that resulted in flooding in the eastern portion of Inyo County during the month of August 2012, per Resolution #2012-32, as recommended by the County Administrator. Motion carried unanimously.
Emerg. Serv./Gully Washer Emergency	Moved by Supervisor Pucci and seconded by Supervisor Tillemans 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, as recommended by the County Administrator. Motion carried unanimously.
Emerg. Serv./Canyon Crusher Emergency	Moved by Supervisor Pucci and seconded by Supervisor Totheroh to 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. Motion carried unanimously.
Emerg. Serv./Land of Even Less Water Emergency	Moved by Supervisor Pucci and seconded by Supervisor Tillemans to 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. Motion carried unanimously.
BofS/Minute Approval	Moved by Supervisor Tillemans and seconded by Supervisor Pucci to approve the minutes of the Board of Supervisors Regular Meetings of A) March 3, 2015 and B) March 10, 2015. Motion carried unanimously.
Clerk/Oppose AB 291	The Clerk-Recorder, Kammi Foote, explained that AB 291 would direct that notification of CEQA projects would no longer be provided in the jurisdiction where the project was being conducted. She explained how this would be a problem in Inyo County because of the types of projects that are conducted by DWP. She said that if AB 291 was enacted Los Angeles would only file CEQA notification with the LA County Recorder. Moved by Supervisor Totheroh and seconded by Supervisor Pucci to approve correspondence opposing AB 291 (Medina), and authorize the Chairperson to sign. Motion carried unanimously.

County Department Reports The Chairperson announced the County Department Report period. Dr. Bob Harrington, Water Director, informed the Board that the County has been notified that LADWP plans on constructing four new production wells. Kammi Foote, Clerk-Recorder updated the Board on AB 1335 which sets a \$75 document filing fee.

Public Comment The Chairperson announced the final public comment period and there was no one from the public wishing to address the Board.

Recess/
Reconvene The Chairperson recessed open session at 1:53 p.m., to reconvene in closed session with all Board Members present, to continue discussions on previously noted closed session items.

Report on Closed
Session The Chairperson recessed closed session at 2:40 p.m., to reconvene in open session to receive a report on closed session. County Counsel reported that with regard to Agenda Items 2 and 3, which were conference with Labor Negotiators, instructions were give to the negotiators; with regard to Item 4 which is existing litigation the Board, in a unanimous vote, with Supervisors Tothoroh, Griffiths, Pucci, Tillemans and Kingsley voting yes, authorized hiring John Kirby to assist County Counsel in this matter and directed County Counsel to defend County and defend and indemnify the Sheriff and the District Attorney in this matter; with regard to Item 5 which is existing litigation, instructions were given to County Counsel to defend the County in this matter; and with regard to Item 5A which is property negotiations there was no reportable action.

Adjournment The Chairperson adjourned the regular meeting at 2:45 p.m., to 8:30 a.m., Tuesday, April 7, 2015 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