

MINUTES

County of Inyo Board of Supervisors

SPECIAL MEETING

August 22, 2011

The Board of Supervisors of the County of Inyo, State of California, met in special session at the hour of 10:00 a.m., on Monday, August 22, 2011, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Susan Cash presiding, Linda Arcularius, Rick Pucci, Marty Fortney and Richard Cervantes. Supervisor Cervantes provided the Invocation, and the County Administrator, Mr. Kevin Carunchio, led the Pledge of Allegiance.

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

County Department Reports The Chairperson announced the County Department Report period and there were no reports forthcoming.

Trial Courts/Court Construction The Inyo County Superior Court Presiding Judge Brian Lamb addressed the Board. Judge Lamb thanked the Board for their support for the new Court facility that is being planned for Independence. He explained that without the Board's donation of County property the siting for the new facility would have been quite lengthy. Judge Lamb said that he thought the new facility in Independence would be completed well in advance of the project planned in Bishop, noting that the site selection process for the Bishop Courthouse is being estimated at 18 months. Judge Lamb talked about the plans for the Bishop Courthouse, as well as about the proposed plans for use of the historic Courthouse in Independence. Supervisor Cervantes shared his thoughts about the new Courthouse in Bishop with Judge Lamb reiterating his position that the historic Courthouse should be remodeled and continue to function as the County's Courthouse. The remaining Board Members reiterated their support for using the County's Courthouse Construction funds to help build a new Court facility in Independence. The Board thanked Judge Lamb for his presentation.

Planning/Public Hearing on Revoking GP Amendment No. 2010-03/Inyo County The Chairperson opened the public hearing at 10:45 a.m., with all Board Members present, to consider a resolution to vacate, set aside and revoke the Renewable Solar and Wind Energy General Plan Amendment (General Plan Amendment No. 2010-03/Inyo County). The Planning Director, Mr. Josh Hart, summarized General Plan Amendment No. 2010-03 (GPA), which identified 10% of the County as suitable for renewable energy projects. County Counsel, Mr. Randy Keller, reviewed the sequence of events that had transpired regarding the GPA 2010-3 and the lawsuit filed by the Center for Bio Diversity and the Sierra Club contesting the County's use of a "Neg Dec" instead of a full Environmental Impact Report in meeting CEQA requirements for environmental review. Mr. Keller went on to explain that the threshold for proving their case is very low for the Plaintiffs and if they should win on just one issue, they would be entitled to seek reimbursement for attorney's fees which is not available to the County. The County Administrator said the true irony about this situation is that the County's intention with regard to the GPA was to provide another layer of environmental protection by having the County direct potential projects to areas that would have very little environmental impacts and, because of the lawsuit, 90% instead of 10% of the County is now available as potential sites for these projects. The Board shared the County Administrator's dismay with the outcome of this situation in that the local jurisdiction is being forced to loosen the environmental requirements for projects as opposed to strengthening the requirements. The Board and staff discussed the potential costs of this litigation should the County not rescind the GPA. It was noted by the Chairperson, Supervisor Cash, that the County is not admitting any wrong doing by repealing the General Plan Amendment, but only choosing to avoid costly litigation. Mr. Sam Wasson, Planning Commissioner, said that while he understood the Board's decision to repeal the GPA he was not in favor of it. Mr. David Tanksley of Bishop, addressed the Board to also oppose repealing the GPA.

There was no one else wishing to address the Board on this matter and the Chairperson closed the public hearing at 11:20 a.m. Supervisor Arcularius commended the Planning Staff for their efforts with regard to this General Plan Amendment and noted that the repeal of the GPA does not invalidate the work that was done on this project. Moved by Supervisor Arcularius and seconded by Supervisor Fortney to approve the Stipulated Agreement for Entry of Judgment by which Inyo County would agree to revoke General Plan Amendment No. 2010-03/Inyo County, the Center for Biological Diversity and Sierra Club would agree to waive all attorney fees associated with the lawsuit; and the Court would enter Judgment and dismiss the lawsuit; and set September 6, 2011, in the Board of Supervisors Room, at the County Administrative Center, in Independence as the date to adopt the Resolution revoking the Renewable Solar and Wind Energy General Plan Amendment (General Plan amendment No. 2010-03/Inyo County). Motion carried unanimously.

Adjournment The Chairperson adjourned the Special Meeting at 11:20 a.m.

Chairperson, Inyo County Board of Supervisor

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

by: _____
Patricia Gunsolley, Assistant