



County of Inyo Board of Supervisors

February 19, 2013

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 9:00 a.m., on Tuesday February 19, 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. The Assistant Clerk of the Board, Ms. Patricia Gunsolley, led the Pledge of Allegiance.

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

County Department Reports The Chairperson announced the County Department Report period. Sheriff Bill Lutz provided a thumbnail sketch of a standoff incident that occurred in the Bishop area on Sunday afternoon that required the evacuation of the Shady Rest Mobile Home Park. Ms. Jean Turner, Director of Health and Human Services, provided information on her Department's involvement in the evacuation, explaining that a shelter was initially set up and eventually several people were relocated to local motels or allowed to return to their homes. Ms. Turner went on to report on the State Welfare Directors Meeting she had attended in Sacramento last week. She updated the Board on the impacts of the State budget on her Department. Mr. Doug Wilson, Interim Public Works Director, reported on the bid for relocating the modular building which was recently purchased from Riverside College. Mr. Wilson said that the bid had come in under budget and there will be significant budget savings as a result. Dr. Harrington, Water Director, provided the Board with an agenda for the upcoming Water Commission meeting.

Emerg. Serv./Oak Creek Mud Flows Moved by Supervisor Pucci and seconded by Supervisor Griffiths to continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows. Motion carried unanimously.

HHS-Soc. Serv./CMSP Participation Fees Moved by Supervisor Pucci and seconded by Supervisor Griffiths to approve the payment of County Medical Services Program (CMSP) Governing Board participation fees for FY 2012-13 in an amount not to exceed \$18,950. Motion carried unanimously.

HHS-Health Serv./CMS Plan Moved by Supervisor Pucci and seconded by Supervisor Griffiths to ratify the 2012/2013 Children's Medical Services (CMS) Plan and budgets; and authorize the chairperson to sign the Certification Statements. Motion carried unanimously.

Water/Ecological Society of America and Carpenter Contracts for Facilitation of Green Book Revision Moved by Supervisor Pucci and seconded by Supervisor Griffiths to approve the following to assist with the Green Book Revision effort being conducted by the Inyo County Water Department (County) and the City of Los Angeles Department of Water and Power (LADWP) under the framework and procedures for developing revisions to the Green Book as endorsed by the Inyo/Los Angeles Standing Committee, November 27, 2006: A) the Cooperative Studies Funding agreement between the County, LADWP, and Susan Carpenter to act as facilitator; and authorize the County Administrator to sign; B) the Cooperative Studies Funding Agreement between the County, LADWP, and the Ecological Society of America to act as a facilitator; and authorize the County Administrator to sign; C) the MOU between the County, LADWP, and Susan Carpenter to act as facilitator and authorize the Water Director to sign; and D) the MOU between the County, LADWP, and the Ecological Society of America to act as facilitator; and authorize the Water Director to sign. Motion carried unanimously.

Rd. Dept./Street Sweepers P.O. Moved by Supervisor Pucci and seconded by Supervisor Griffiths to approve the purchase of two new Bear, Dual Street Sweepers from Haaker Equipment company in an amount not to exceed \$547,985.52, including sales tax and excluding license fees or delivery charge. Motion carried unanimously.

CSS/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 a Child Support Officer position exists, as certified by the Director of Child Support Services and concurred with by the County Administrator and Auditor-Controller; B) and where if the County was facing layoffs, the Child Support Officer 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 Child Support Officer I, at Range 57 (\$3,046 – \$3,701) or II at Range 60 (\$3,271 – \$3,973) depending upon qualifications. Motion carried unanimously.
HHS-Soc. Serv./ Position Request	Moved by Supervisor Kingsley and seconded by Supervisor Pucci to authorize the Department to extend the temporary employment of one Health and Human Services Specialist (HHSS) at Range 053PT, Step A (\$14.89/hr.) for a period not to exceed five months in calendar year 2013. Motion carried unanimously.
P.W./CSA-2 Sewer System Improvement Project Contract + Budget Amendment	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to A) approve the Contract between the County of Inyo and CSRC&DC for the provision of grant funds from the California Department of Water Resources for the CSA-2 Sewer System Improvement Project; authorize the Chairperson to sign and authorize the Public Works Director to sign all other contract documents, including change orders to the extent permitted pursuant to Section 20142 of the Public Contract Code and other applicable law; B) amend the FY 2012-13 County Services Area No. 2 Budget Unit 810001 by increasing estimated revenues in State Grants (<i>Revenue Code #4498</i>) by \$310,895 and Operating Transfers In (<i>Revenue Code #4998</i>) by \$131,504 and increasing appropriations in External Charges (<i>Object Code #5124</i>) by \$87,301; Professional Services (<i>Object Code #5265</i>) by \$110,000, General Operating Expense (<i>Object Code #5311</i>) by \$15,422, and Construction in Progress (<i>Object Code #5700</i>) by \$229,656; and C) amend the FY 2012-13 County Services Area No. 2 ACO Budget Unit 810101 by increasing appropriations in Operating Transfers Out (<i>Object Code #5801</i>) by \$130,504. Motion carried unanimously.
P.W./SCADA Project Contract + Budget Amendment	Moved by Supervisor Pucci and seconded by Supervisor Tillemans to A) approve the Contract between the County of Inyo and CSRC&D for the provision of grant funds in the amount of \$62,708 with a County match value of \$20,392, from the California Department of Water Resources for the SCADA Improvement Project; authorize the Chairperson to sign; and authorize the Public Works Director to sign all other contract documents, including change orders to the extent permitted pursuant to Section 20142 of the Public Contract Code and other applicable law; and B) authorize the creation of the SCADA Upgrade Budget (<i>Budget Unit number to be assigned by the Auditor</i>) and amend the FY 2012-13 SCADA Update Budget Unit (<i>number as assigned by the Auditor</i>) by increasing estimated revenue in State Grants (<i>Revenue Code #4498</i>) by \$62,708 and External Intergovernment Charges (<i>Revenue Code #4824</i>) by \$20,392; and increase appropriations in External Charges (<i>Object Code #5124</i>) by \$29,400 and Professional Services (<i>Object Code #5265</i>) by \$53,700. Motion carried unanimously.
Planning/National Brownfields Conference	Supervisor Arcularius explained that she was not going to be able to attend the National Brownfields Conference in Atlanta, Georgia in May. She said she had spoken with Supervisor Tillemans about attending the Conference as her alternate. Supervisor Tillemans confirmed his offer to attend the Conference. It was the consensus of the Board that Supervisor Tillemans attend the National Brownfields Conference in Atlanta, GA May 15-17, 2013.
Water/IRWMP Fiscal Agent	Dr. Harrington, Inyo County Water Director, recapped the discussion the Board had during its Board Meeting last week, regarding the possibility of the County acting as the grantee for the Proposition 84 Round 2 Implementation Grant Application, explaining that the Board had requested at that time that the item be returned for further discussion today. The Board, Dr. Harrington, the County Administrator and the Auditor-Controller, discussed the request in detail and at length. The discussion included, possible governance structures for the group, the liability associated with the County taking on the Fiscal Agent role, whether the 10% administration fee is sufficient to cover the County's costs, the eventuality of the recommended projects being funded, the need for someone to take on the Fiscal Agent role both in the short term and the long term. The County Administrator remarked on the fact that the risks outweigh the benefits noting that there are many capable entities but few are stepping up to take on the Fiscal Agent role. He also said there is a need for a permanent stand alone entity to provide program management and also serve as the fiscal agent. He said this needs to be a priority. He also recommended that if the Board was going to consider taking on the responsibilities of the Fiscal Agent, that the Board needs to recognize the impact on the Water Department resources from other priorities, be aware of the potential negative fiscal

impacts relative to accounting for LADWP funds, and most importantly to rely on other county departments, i.e., Auditor, Environmental Health, Public Works, to inspect and sign-off on long-term projects and to pay those General Fund Budgets for that work. The Board and staff continued to discuss the pros and cons of the County taking on the duties of the Fiscal Agent for this round of Proposition 84 Grant funds, including that in order to stay engaged in the process and remain qualified for this funding there needs to be a Fiscal Agent for this round and in the future. Moved by Supervisor Kingsley and seconded by Supervisor Pucci to authorize the Inyo County Water Director to inform the IRWMP that the County Water Department will serve as Fiscal Agent for the Proposition 84 Round 2 Implementation Grant, conditioned on 1) the Regional Water Management Group committing to develop a permanent entity to serve as both the Program Manager and Fiscal Agent in the years coming forward; 2) that the County and any of the sub grantees agree to the County's contract on this process, and 3) recognizing the County's ability to remove itself from the Fiscal Agent roll, if the other two conditions are not met. Motion carried unanimously.

Recess/
Reconvene The Chairperson recessed the regular meeting at 11:00 a.m., to reconvene in open session at 11:15 a.m., with all Board Members present.

CAO-Exclusive Neg.
Agreement Bishop
Office Building The County Administrator provided a brief history of the process that has been followed in order to reach this point in the non-binding phase of the evaluation of a project to construct and lease a County office building in Bishop. He explained that the non-binding design phase has taken a bit longer than anticipated and asked that the Contract be extended in order to provide the parties sufficient amount of time to develop a design proposal that is as detailed as possible. Mr. Steve Joseph of Joseph Enterprises concurred with the CAO's remarks and supported the extension of this Agreement. Moved by Supervisor Pucci and seconded by Supervisor Tillemans to approve Amendment #5 to the Exclusive Negotiation Agreement for Construction and Leasing of Inyo County Consolidated Office Building, between the County of Inyo and Joseph Enterprises, extending Phase 1 expiration date to May 31, 2013; and authorize the County Administrator to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.

CAO-Auditor/
Budget Amendment
MuniServices Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to recognize \$2,605 in additional revenue from the State Board of Equalization to pay MuniServices invoice for quarterly Sales and Use Tax Audit Services by amending the FY 2012-13 County Budget by increasing revenue in the General Revenue and Expenditures Budget Unit 011900 Sales Tax (*Revenue Code #4062*) by \$2,605 and increasing appropriations in Professional and Special Services (*Object Code #5265*) by \$2,605. Motion carried unanimously.

Minute Approval The Clerk requested that in the seventh paragraph on page three the term "ratify" be removed. Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to approve the minutes of the Board of Supervisors Meetings as follows: A) the regular meeting of February 5, 2013, as amended; and B) the Special Meeting of February 7, 2013. Motion carried unanimously.

Integ. Waste/
Preferred Septic The Chairperson announced that the request from Preferred Septic and Disposal, asking the Board to consider changes to the Inyo County's Local/Small Business Preference Section of the Purchasing Ordinance – Chapter 6.06 of the Inyo County Code, was pulled from consideration and will be rescheduled at the request of Mr. Comontofski of Preferred Septic.

Water/B.P. Tribe Big
Pine Regreening
Project Dr. Bob Harrington, Inyo County Water Director, provided additional information regarding the process to exempt wells, i.e. Well 375, and the Big Pine Regreening Project. Dr. Harrington said that the CEQA documents on the project had been completed by DWP and had been upheld as adequate by the Court. Dr. Harrington also explained the process that would need to be followed in order to change a mitigation project. Supervisor Kingsley expressed a desire to see mitigation projects completed in a timely manner. Mr. Tillemans provided information regarding the Regreening Project, questioning whether this was the best project to achieve the goal of greening lands around Big Pine and asked for consideration of perhaps rescoping the project to include the Bartell parcel at the south end of the community. The Board and Staff discussed the Tribe's request regarding the exemption of Well 375, the Big Pine Mitigation Project, and the rescoping of the Project. The Board requested that Supervisor Tillemans work with the Water Director to develop a response to the Tribe encompassing today's discussion and bring it back next week for further consideration by the Board.

Ordinance 1176/
Cross-Connection
Control Program

On a motion by Supervisor Griffiths and a second by Supervisor Kingsley, Ordinance 1176 titled "An Ordinance of Inyo County Instituting a Cross-Connection Control Program to Protect the Public Water System for the Communities of Independence, Lone Pine and Laws" that will provide the required protections of potable water for the town water systems operated by the County of Inyo in the communities of Independence, Lone Pine and Laws as required by California Code, was enacted: motion unanimously passed and adopted.

Recess/
Reconvene

The Chairperson recessed the regular meeting at 12:00 p.m. to reconvene in open session at 1:00 p.m., with all Board Members present.

Planning/Crystal
Geyser Zone
Reclass and
Appeals of Planning
Commission
Approval of Project

The Chairperson opened the public hearing at 1:05 p.m., regarding the General Plan Amendment No. 2010-01 (Crystal Geyser Roxane), Zone Reclassification No. 2010-02 (Crystal Geyser Roxane), Reversion of Acreage No. 2012-01 (Crystal Geyser Roxane), an ordinance titled "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Approving Zone Reclassification No. 2010-02 (Crystal Geyser Roxane) and Amending the Zoning Map of the County of Inyo, by Reclassifying an Approximately 23.6-Acre Portion of the 420-Acre Parcel Located Adjacent (on the south) to the Community of Cartago, on the East Side of U.S. Highway 395, from Open Space, 40-Acre Minimum (OS-40) and Rural Residential (RR) to Light Industrial (M-2) and an approximately 6.8-Acre Portion of the Parcel from RR to OS-40"; and to consider Appeal No. 2012-01 by the Elton Family Trust, Appeal No. 2012-02 by Cartago Mutual Water Company and Appeal No. 2012-03 by the Owens Valley Committee/Sierra Club of the Planning's Commissions approval of the Project.

Mr. Josh Hart, Planning Director, began the presentation by providing the Board with a copy of an attachment that had not been included which was the response to the Taber Consultants letter dated December 4, 2012 which was marked as Exhibit A. Mr. Hart went on to ask that the following clerical errors and substantive changes be made: (a) in the subject line the word "plan" be changed to "plant"; (b) change Zone Reclassification 2012-02 to 2010-02 throughout the document; (c) on page three under item number 4 delete the dangling parenthetical; (d) in all resolutions on the appeals, under the first "Now therefore be it resolved" add the word "been" so that it reads "...all the issues raised by the appeal have **been** considered"; (e) the reference in the mitigation measures should be to the "yellow warbler" and in several places in the resolutions and the mitigation monitoring program the term "should focus survey's determine" should be deleted so the phrase reads "the presence of the yellow warbler is assumed;" and (f) on the mitigation for the swainson's hawk in several places, add the phrase "the criteria for avoiding impact is to avoid disturbing the hawk."

Mr. Hart went on to detail the project and to review the staff report and recommendations. He addressed the overall land use issues saying that staff is recommending that the General Plan Amendment is appropriate, identifying those areas that support that recommendation. He briefly talked about the appeals of the Planning Commissions approval of the project, saying that most of the issues raised in the appeals relate to hydrologic and biological resources. He specifically addressed one allegation that the Draft EIR should have been recirculated. He reviewed the requirements saying that State law requires that EIR's should be recirculated if (1) new significant environmental impacts are identified; (2) substantial increases in the severity of environmental impacts are identified; (3) feasible alternatives or mitigation that would lessen the environmental impacts are identified but the project proponent declines to adopt; and (4) the draft EIR was fundamentally and basically inadequate. He said that none of these conditions exist and the EIR does not need to be recirculated. At the conclusion of Mr. Hart's presentation the Staff Report was entered and marked as Exhibit B. Dr. Bob Harrington, Inyo County Water Director, addressed the hydrological issues and groundwater dependent biologic issues related to the project. He said that the monitoring and mitigation for the resources is abased on the recognition of the whole intent of this project which is to produce groundwater for bottling as spring water. He explained the criteria that allows groundwater to be sold as spring water. Ms. Anne Doehne, Associate Principle with PCR the County's Environmental Consultants, provided a brief presentation and overview of the Draft EIR. At the conclusion of her remarks she presented a copy of her power point presentation which was entered and marked as Exhibit C. Mr. Earl LaPensee of Richard Slade and Associates, provided more information and talked in more detail about the hydrogeologic resources, the findings of the draft EIR and the responses to the Appeal letters. At the conclusion of his presentation, Mr. Hart presented the graphics Mr. LaPensee referred to and they were entered as follows: The Site Plan and the Tree Removal Plan were marked as Exhibit D; the Grading and Utilities Plan was marked as Exhibit E; and the Demolition Plan was marked as Exhibit F.

Mr. Rick Moore representing the applicant, C G Roxane, addressed the Board to provide more information regarding the project design and plans. He responded to questions from the Board regarding the landscaping of the existing plant, as well as the new plant, and confirmed that the Company has 70 years remaining on the existing 99 year lease. He also talked with the Board about the monitoring of water quality and the mitigation lands being proposed that can be located off site. In response to a concern identified by Supervisor Arcularius regarding off site mitigation lands, Mr. Hart explained why the off site alternative was provided and made suggestions for how the language could be reworded to encourage on site mitigation. The Board Members discussed community support by the applicant, impacts should water quality become unacceptable, the need to mitigate the negative impacts of the project on the people currently using the water and the environment, the County's authority to enforce the conditions of the permit, and the involvement and authority of other permitting agencies, i.e., California Dept. of Fish and Wildlife (DFW), formerly the California Department of Fish and Game.

Mr. Mary Lotta "Lottie" Elton-Jacob, representing the appellant, the Elton Family Trust, addressed the Board to say that the family supports the project and clarify that the appeal was filed to make certain, in anticipation of the approval of the project, that the appropriate considerations are addressed now in order to avoid problems later. Ms. Elton-Jacob introduced the Family's hydrogeologist, Mr. Tom Calabrese, Principle Hydrogeologist with GSI Water in South Pasadena. Mr. Calabrese said he had reviewed the documents prepared in support of the project and concurred that the project should go forward. He said the appeal objective was to help make the project more successful and more sustainable through a more comprehensive water level and water quality monitoring program. He identified three sets of parameters that the appellant feels needs to be emphasized in the program which are (1) comprehensive long-term water level monitoring; (2) water quality monitoring to detect potential degradation; and (3) long-term spring flow monitoring. Mr. Calabrese proceeded to provide additional information and further justification for the request to increase the project monitoring to include the three items they identified and said that the proposed 3-year plan is not adequate to provide the monitoring data needed to ensure long-term water quality and flows for the project and surrounding area. The Board, staff, Mr. Calabrese, and Mr. George Castenada an employee of Crystal Geyser talked about water monitoring. County Counsel, Mr. Randy Keller addressed the need for the Board to identify the impact that the County is trying to avoid, determine how that is quantified, and define what the reaction is to the impact. Mr. Keller said that in order for the Board to approve the project they need to identify mitigation that avoids significant impact and they have to determine what significant impact is in more detail than maintaining less than significant impact. At the end of Mr. Calabrese's presentation, he presented the Board with a copy of his remarks and it was entered and Marked Exhibit E-1.

Mr. Tom Ballard, Hydrogeologist with Taber Consultants and representing the appellant, the Cartago Mutual Water Company, addressed the Board. Mr. Ballard confirmed that the District is currently in talks with C G Roxane on an agreement, but nothing has been finalized. He went on to agree with a lot of the points made by Mr. Calabrese and to talk about those items that had not yet been addressed which they had concerns with. He said that the Mitigation, Monitoring and Reporting Program that is proposed occurs after approval of the project and asked that the Program be developed prior to approval of the permit or make it a condition of the permit. He questioned whether the spring line fault is an effective hydrologic barrier between the aquifer that is being pumped at Cartago and the non potable water that is below Owens Lake. He said that metals, like arsenic, are issues that need to be looked at. He questioned that not much consideration was given to wet and dry seasons and cycles and that the discharge at the current Crystal Geyser operations is not permitted under a Waste Discharge Permit from Lahontan Regional Water Quality Control Board and wants any discharge at the new plant to be under the law. Mr. Mark Bagley, representing the Sierra Club and the Owens Valley Committee, asked Mr. Ballard if he thought that since the waste discharge issue was not identified in the EIR, it was lacking. Mr. Ballard said that they had not seen it identified and that was the reason they had brought the issue forward.

Mr. Mark Bagley, representing the appellants, Sierra Club and the Owens Valley Committee, addressed the Board. Mr. Bagley presented the Board with a copy of a letter from the Law Office of Donald B. Mooney dated February 19, 2013 which was entered and Marked as Exhibit S-1. Mr. Bagley said that the letter expands on the concerns raised in their appeal letter. Mr. Bagley reviewed several of those items detailed in the letter including (a) that they feel that the Final EIR for the project is inadequate, including the project description being incomplete, and the Board should uphold their appeal; (b) that the Board take no action on the General Plan Amendment, the Zone Reclassification and the Reversion of Acreage and (c) direct the Planning Department to revise the EIR to bring it into compliance with CEQA for the reasons identified in the letter.

Mr. Bagley went on to talk in great length about the study area for the biological resources. He questioned the figures that were identified in the report; he questioned the thoroughness of the California Department of Fish and Wildlife's review of the area and its findings. Mr. Bagley continued to stress that the Appellant believes the EIR is fatally flawed. At the end of his presentation Mr. Bagley presented a copy of the Plant Survey graphic and it was entered and marked as Exhibit S-2.

Mr. Steve Nelson, Director of Biological Services for PCR and a biologist, rebutted many of the remarks made by Mr. Bagley. He provided more detail regarding the evaluation of the biological resources, wetlands and habitat. Mr. Nelson said that CEQA does not require mitigation to go to the level of a habitat conservation plan. He supported the findings of the California Department of Fish and Wildlife, saying they had provided the comments on the entire parcel and not just the project footprint and they were the authority in these matters. Mr. Nelson also provided further explanation on the total acreage of 2.88 acres is the subject of the off-site mitigation discussion.

Mr. Josh Hart, Planning Director, addressed specific concerns identified by the Board during the discussion saying that (a) with regard to total acreage the County to request that it all be on site, but that it would be better to encourage it be on site and then allow it to be off site if necessary; (b) staff would work with the hydrologists to identify triggers for the saline intrusion; (c) if a monitoring program needs to be developed prior to permitting, the project will be delayed for several weeks until the plan is finalized; (d) the comment about waste discharge was addressed in the Draft and Final EIR and the consultants can identify where if it is needed; and (e) that with regard to the biological analysis just looking at the footprint the EIR looked at potential occurrence throughout the entire site. Dr. Bob Harrington, Water Director, said that he agreed with the remarks made by Mr. Calabrese and Mr. Ballard, and provided information on the development of a monitoring plan, explaining that staff was waiting for approval of the project prior to expending time on a task for a project that might not be approved. He went on to talk further about how the plan would be developed. County Counsel, Mr. Randy Keller, provided guidance on language for development of a plan prior to pumping. The Board, staff and members of the audience continued to discuss the project in detail and at length. Mr. Troy Patton of Olancho, addressed the Board to say that he was not opposed to the project and to ask that appropriate safeguards be put in place to protect the water quality and water supply for future generations. The Chairperson closed the public hearing at 4:42 pm.

The Board deliberated, with the individual Board Members reiterating their positions including the need to ensure the applicants community involvement, the need to protect human life, the environment and make sure that the bottling plant operation can be successful, that there is a need to ensure that the monitoring plan addresses water quality, water volume and spring flow which will ensure that the wetlands and habitat are addressed, and that the use of private land is protected. The Board noted that should they deny the appeals they were not denying the concepts that were brought forward. The Board talked about adding a condition that the Mitigation, Monitoring and Reporting Program be developed and approved by the Board of Supervisors in a public hearing prior to allowing pumping to begin. County Counsel provided further explanation regarding the Board's authority to approve and condition the project and on the additional condition that will need to be added to the Resolutions should the Board wish to move forward today.

On a motion by Supervisor Pucci and a second by Supervisor Griffiths, Resolution #2013-08 was approved making certain findings with respect to and denying Appeal No. 2012-01 (Elton Family Trust), as amended to modify the Conditional Use Permit approved by the Planning Commission to add the condition that a Groundwater Mitigation, Monitoring and Reporting Program will be developed and approved by the Inyo County Water Department and will be returned to the Board of Supervisors for final approval after a public hearing and until that occurs there is no ability to implement the permit and no pumping may occur; motion unanimously passed and adopted.

On a motion by Supervisor Kingsley and a second by Supervisor Tillemans, Resolution No. 2013-09 was approved making certain findings with respect to and denying Appeal No. 2012-02 (Cartago Mutual Water Company) as amended to modify the Conditional Use Permit approved by the Planning Commission to add the condition that a Groundwater Mitigation, Monitoring and Reporting Program will be developed and approved by the Inyo County Water Department and will be returned to the Board of Supervisors for final approval after a public hearing and until that occurs there is no ability to implement the permit and no pumping may occur; motion unanimously passed and adopted.

On a motion by Supervisor Griffiths and a second by Supervisor Kingsley, Resolution No. 2013-10 was approved making certain findings with respect to and denying Appeal No. 2012-03 (Owens Valley Committee/Sierra Club) as amended to modify the Conditional Use Permit approved by the Planning Commission to add the condition that a Groundwater Mitigation, Monitoring and Reporting Program will be developed and approved by the Inyo County Water Department and will be returned to the Board of Supervisors for final approval after a public hearing and until that occurs there is no ability to implement the permit and no pumping may occur; motion unanimously passed and adopted.

On a motion by Supervisor Kingsley and a second by Supervisor Tillemans, Resolution No. 2013-11 making certain findings with respect to, certifying the Environmental Impact Report, and approving General Plan Amendment No. 2010-01 (Crystal Geysers Roxane) and Reversion to Acreage No. 2012-01 (Crystal Geysers Roxane) was approved as amended to modify the Conditional Use Permit approved by the Planning Commission to add the condition that a Groundwater Mitigation, Monitoring and Reporting Program will be developed and approved by the Inyo County Water Department and will be returned to the Board of Supervisors for final approval after a public hearing and until that occurs there is no ability to implement the permit and no pumping may occur; motion unanimously passed and adopted.

Moved by Supervisor Griffiths and seconded by Supervisor Pucci to waive the first reading of the Ordinance and schedule the enactment for 1:00 p.m., Tuesday, February 26, 2013, in the Board of Supervisors Room, at the County Administrative Center, in Independence. Motion carried unanimously.

Recess/
Reconvene The Chairperson recessed the regular meeting at 5:10 p.m., to reconvene in open session at 5:15 p.m., with all Board Members present.

Road Dept./Rd. Pjct.
Financing W/S The Chairperson announced that the workshop with the Road Department on road project financing was being rescheduled.

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

Closed Session. The Chairperson recessed open session at 5:30 p.m., to convene in closed session, with all Board Members present, to discuss and take action as appropriate on Agenda Items No. 23. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(d)(1)]** – *Crystal Allen, an individual v County of Inyo, a governmental entity; and Does 1-50*, Inyo County Supervisor Court Case No. SICVCV13-54820; No. 24. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(a)]** – *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. 25. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION [Pursuant to Government Code §54956.9(b)(3)]** – significant exposure to potential litigation (one case); No. 26. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code § 54957.6]**. - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Deputy Sheriff's Association (DSA) - Negotiators: Labor Relations Administrator, Sue Dishion, Information Services Director, Brandon Shults, and Planning Director Josh Hart; No. 27. **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: Chief Probation Officer Jeff Thomson and Labor Relations Administrator Sue Dishion; No. 28. **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: Labor Relations Administrator Sue Dishion; No. 29. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]**. - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: ICEA - Negotiators: Labor Relations Administrator Sue Dishion, Director Child Support Services Susanne Rizo, and Chief Probation Officer Jeff Thomson; No. 30. **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: CAO Kevin Carunchio and Labor Relations Administrator Sue Dishion; and NO. 31. **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: CAO Kevin Carunchio and Labor Relations Administrator Sue Dishion.

Report on Closed Session

The Chairperson recessed closed session at 6:30 p.m., to reconvene in open session to receive a report on closed session. County Counsel reported there were no actions taken in closed session, which are required by law to be reported on in open session.

Adjournment

The Chairperson adjourned the regular meeting at 6:30 p.m. to Tuesday, February 26, 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