

# MINUTES

# County of Inyo Board of Supervisors

**August 6, 2013**

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, August 5, 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. Deputy County Counsel, Ms. Dana Crom 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.

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. **PERSONNEL [Pursuant to Government Code §54957]**. Public Employee Appointment – Title – Agriculture Commissioner/Weights and Measures; No. 3. **CONFERENCE WITH LABOR NEGOTIATOR (Pursuant to Government Code §54957.6)** – Instructions to Negotiators re: wages, salaries and benefits – Title: Agricultural Commissioner/Sealer of Weights and Measures – Negotiator – as designated by the Board of Supervisors; No. 4. **PERSONNEL [Pursuant to Government Code §54957]**. Public Employee Appointment – Title – County Counsel; No. 5. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION [Pursuant to Government Code §54956.9(d)(4)]** – Decision whether to initiate litigation (one case); No. 6. **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. 7. **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. 8. **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. 9. **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, and Information Services Director Brandon Shults; No. 10. **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; No. 11. **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; No. 12. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Deputy Sheriffs Association (DSA) - Negotiators: Labor Relations Administrator Sue Dishion; Information Services Director Brandon Shults and Planning Director Josh Hart; No. 13. **REAL PROPERTY NEGOTIATIONS [CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8]** – Property: APN 035-140-17-0000, 101 Old Mammoth Road, Mammoth Lakes, CA - Negotiating Parties: Kevin Carunchio, County Administrator, Susanne Rizo, Director of Child Support Services; Clint Quilter, Public Works Director and Jim Tatum, Deputy Public Works Director – Negotiations: Terms and Conditions; No. 14. **REAL PROPERTY NEGOTIATIONS [CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8]** – Property: APN

035-230-10-000000 and APN 035-230-11-0000000, 126 Old Mammoth Road, Mammoth Lakes, CA - Negotiating Parties: Kevin Carunchio, County Administrator, Susanne Rizo, Director of Child Support Services; Clint Quilter, Public Works Director and Jim Tatum, Deputy Public Works Director – Negotiations: Terms and Conditions; No. 15. **REAL PROPERTY NEGOTIATIONS [CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8]** – Property: APN 035-200-019-000, 452 Old Mammoth Road, Mammoth Lakes, CA - Negotiating Parties: Kevin Carunchio, County Administrator, Susanne Rizo, Director of Child Support Services; Clint Quilter, Public Works Director and Jim Tatum, Deputy Public Works Director – Negotiations: Terms and Conditions; and No. 16. **REAL PROPERTY NEGOTIATIONS [CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8]** – Property: APN 035-200-017-000, 437 Old Mammoth Road, Mammoth Lakes, CA - Negotiating Parties: Kevin Carunchio, County Administrator, Susanne Rizo, Director of Child Support Services; Clint Quilter, Public Works Director and Jim Tatum, Deputy Public Works Director – Negotiations: Terms and Conditions.

Report on Closed Session

The Chairperson recessed closed session at 10:10 a.m., to reconvene in open session to receive a report on closed session. County Counsel reported that with regard to Agenda Items No. 2. **PERSONNEL [Pursuant to Government Code §54957]** - Public Employee Appointment – Title – Agriculture Commissioner/Weights and Measures; and No. 3. **CONFERENCE WITH LABOR NEGOTIATOR (Pursuant to Government Code §54957.6)** – Instructions to Negotiators re: wages, salaries and benefits – Title: Agricultural Commissioner/Sealer of Weights and Measures – Negotiator – as designated by the Board of Supervisors, the Board, in a unanimous vote, with Supervisors Arcularius, Griffiths, Pucci, Tillemans and Kingsley voting yes, has appointed Mr. Nathan Reade, the Inyo-Mono Agricultural Commissioner/Sealer of Weights and Measures, effective upon the Board’s approval of a personal services contract in open session.

Public Comment

The Chairperson announced the second public comment period. Supervisor Arcularius, offered thanks to Mr. Randy Keller, who had retired recently after 13 years with the County and who had served as the County Counsel for the past four years. Rich and Kathy White reported on this year’s Cal Expo, noting that the County had received a gold ribbon, as well as a People’s Choice award. They provided statistics on the number of people who had visited the County’s Exhibit and how much literature they had passed out. They thanked Supervisor Kingsley for manning the booth during his visit to the Fair. Supervisor Tillemans reported that he had an opportunity to visit the County’s Exhibit while he and his family attended the State Fair this year, and commented that he felt the County was very well represented and he would volunteer to man next year’s Exhibit.

County Department Reports

Mr. Chris Langley, Film Commissioner, reported on an Acura car commercial that had filmed in the area, passing out the story boards for the Board to look at. Ms. April Zrelak representing the Lone Pine Tribe, reported on the chronology of the Tribes involvement in reporting the recent fish kill on the Lower Owens River. Mr. Brian Tillemans of DWP, reported on the recent flooding and the fish kill referred to by Ms. Zrelak. He explained that DWP had scheduled some much needed maintenance on the aqueduct below the Alabama Gates that required the water to be reduced. He said that the timing of the repairs were determined because of the low flows in the Valley along with the dry conditions. He said that when the freak rain storm that had caused severe flooding in the area occurred at the same time, there was nothing the department could do but move the staff working on the aqueduct out of harms way and push what water they could down the aqueduct. He said that the high flows in the river as a result of the flood water had resulted in the fish kill. He, the Board and staff discussed the events that had transpired as a result of flooding. The Board asked that in the future when DWP schedules repairs like the ones on the aqueduct that the County be notified. Mr. Tillemans confirmed that repairs to the aqueduct had not occurred since the 80’s, and the repairs were scheduled because there was a bulge in the wall of the aqueduct and it was a safety issue. He briefly discussed the fish kill saying the Department believes the system should be able to recover fairly quickly. Dr. Harrington, Water Director, provided additional information on the fish kill that had happened on the LORP when flash flooding occurred in the area. Dr. Harrington, Mr. Tillemans, and the Board continued to discuss the events that transpired as a result of the flash flooding. Supervisor Arcularius said that today’s meeting would be adjourned in memory of Mr. John Young and Mr. David Hess who had both passed away recently.

Motor Pool/Vehicle P.O.	Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to award the bid to and authorize the purchase from Eastern Sierra Motors of Bishop, as the low bidder, of a 2013 Ford F150 XL Super Crew Truck, in the amount of \$29,140.13, contingent upon the Board's adoption of a FY 2013-14 budget. Motion carried unanimously.
CAO-Adv. Co. Resc./Comm. Sponsorship Payments	Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to authorize paying the Lone Pine Chamber of Commerce \$3,750 for the Lone Pine Photo Shootout Contest, and the Friends of the Mt. Whitney Fish Hatchery \$2,831.18 for the Independence Father's Day Fishing Derby, both projects were 2012-13 Community Project Sponsorship Grant Projects. Motion carried unanimously.
CAO-Adv. Co. Resc./Comm. Sponsorship Payments	Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to authorize paying Playhouse 395 \$605 for creating an online Eastern Sierra Performing Arts Calendar; and the Bishop Museum and Historical Society – Laws Museum \$1,000 for the 6 <sup>th</sup> Annual Laws Benefit Concert, both projects were 2012-13 Community Project Sponsorship Grant Projects. Motion carried unanimously.
Resol. #2013-33/ Grant Application	On a motion by Supervisor Griffiths and a second by Supervisor Kingsley Resolution No. 2013-33 titled "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Authorizing the Submittal of the FY 2013 Homeland Security Grant Program Application" was approved: motion unanimously passed and adopted.
CAO-Info Serv./ Crest Software Maintenance Renewal	Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to approve the renewal of an Annual Software Maintenance Agreement between the County of Inyo and Crest Software Corporation for the County's Enterprise Property Tax Management System for the period of July 1, 2013 through June 30, 2014, in an amount not to exceed \$28,347, contingent upon the Board's adoption of a FY 2013-14 budget; and authorize the Chairperson to sign. Motion carried unanimously.
Child Support/ Proclamation	Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to approve a proclamation declaring August 2013 as Child Support Awareness Month in Inyo County. Motion carried unanimously.
HHS-Senior Prgm./ Food Trays & Covers P. O.	Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to declare Oliver Products Company a sole source provider of food trays and coverings for FY 2013-14 and approve a blanket purchase order to Oliver Products Company for food trays and coverings for home delivered meals in an amount not to exceed \$25,000. Motion carried unanimously.
Planning/Efficiencies Plan Change Order	Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to approve Change Order No. 2 to the Cost Energy and Service Efficiencies Action Plan with Southern California Edison, amending the dates for project deliverables, to April 15, 2014; project ramp-down until June 6, 2014; and project completion to June 16, 2014, per the existing scope of work; and authorize the Chairperson to sign. Motion carried unanimously.
P.W./ISL Eng. Contract	Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to approve the Contract between the County of Inyo and ISL Engineering, Inc., for the provision of professional design services for the period of August 6, 2013 through December 31, 2013, in an amount not to exceed \$41,480, contingent upon the Board's adoption of a FY 2013-14 budget; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
CAO-Alabama Hills Designation Support Letter	The County Administrator provided additional information and further explanation regarding the request to send correspondence reaffirming the County's position supporting the designation of the Alabama Hills as a National Scenic Area. He explained that Mr. Mazzu had been unable to attend today's meeting but had conveyed his support for the letter to the Board via Mr. Carunchio. Mr. Carunchio explained that his attempts to ascertain from Senator Feinstein's office if the letter was acceptable had been unsuccessful. Supervisor Arcularius noted the inclusion of a statement regarding the release of the WSA's. Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to approve the correspondence reaffirming the County of Inyo's position supporting the designation of the Alabama Hills as a National Scenic Area and authorize the Chairperson to sign. Motion carried unanimously.

CAO-Personnel/ Filling D.A. Vacancy	The County Administrator reviewed the Board's options with regard to filling the unexpired D.A. term that was left vacant with the retirement of Mr. Art Maillet. He said that the Board's options were the same as they considered earlier in the year when Ms. Leslie Chapman resigned her position of Auditor-Controller. The Board discussed their options with regard to filling the vacancy. The Board decided to follow the same process they used to fill the Auditor-Controller vacancy which was to conduct a short local recruitment and directed staff to begin the process of soliciting for letters of interest and resumes from which they might conduct interviews and schedule the interviews for open session for two to three weeks after the deadline for the solicitations.
County Department Reports	The Chairperson continued County Department Reports. Ms. Susanne Rizo, Director of Child Support Services, reported on her Department's activities. Sheriff Bill Lutze, briefed the Board on the flash floods referenced earlier in today's Department Reports. Mr. Bob Brown, Road Superintendent, updated the Board on the condition of the roads as a result of the flash floods. He reported that Trona Wildrose Road had incurred severe damage and the Road has been closed.
Clerk-Recorder/Fee for Performing Marriage Ceremonies	The Chairperson opened the public hearing at 11:45 a.m., on a proposed ordinance titled "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Adding Section 2.14.040 of the Inyo County Code to Establish Fee for Performance of Marriage Ceremony by County Clerk" authorizing the Inyo County Clerk to collect a \$25 fee to perform marriage ceremonies. Ms. Kammi Foote, Inyo County Clerk-Recorder, provided additional information and further justification for the recommendation to set a fee for her to perform marriage ceremonies. There was no one from the public wishing to address this ordinance. The Chairperson closed the public hearing at 11:50 a.m.
	Moved by Supervisor Pucci and seconded by Supervisor Griffiths to waive the first reading of the Ordinance and schedule the enactment for 11:45 a.m., Tuesday, August 13, 2013 in the Board of Supervisors Room, at the County Administrative Center, in Independence. Motion carried unanimously.
County Department Reports	The Chairperson continued County Department Reports. Ms. Jean Turner, Director of Health and Human Services, reported on her Department's activities during the flash flooding event. Ms. Turner went on to report on Medical Managed Care, and the Ombudsman Program. Jeff Thomson, Chief Probation Officer, updated the Board on the statewide release of prisoners, saying Governor Brown is trying to appeal the decision of the Courts. Ms. Kammi Foote, Clerk-Recorder, reported on a situation that has arisen in her office. She explained that BLM requires mining claims be recorded yearly. She said the BLM changed its form for this function and it does not comply with California Recording law and she is not able to record the required documents. She said that she had taken it upon herself to amend the form so that it did comply with California law and the BLM has agreed to accept the form, but they will not assist in re-distributing the form. She explained how the mining claimant is being affected by this situation and asked the Board to keep this in mind when they are speaking with our legislators.
Introduction	The introduction of Ms. Elaine Kabala, Associate Planner, was postponed to next week.
Introduction	The Chairperson, Supervisor Arcularius introduced Mr. Clint Quilter, the new Public Works Director.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 12:15 p.m., to reconvene in open session at 1:20 p.m., with all Board Members present.
Museum/Accept Donated Funds	Moved by Supervisor Tillemans and seconded by Supervisor Kingsley to accept a donation of funds in the amount of \$15,000 on behalf of the County of Inyo and the Eastern California Museum from the Robert A. Hudson 2005 Trust. Motion carried unanimously.
Integ. Waste/Haul Floor Rate Increase	The Sr. Deputy County Administrator, Ms. Pam Hennarty, reviewed the staff report and recommendations regarding the request for the Board to consider an up to 8% increase for residential commercial and roll-off service. The Board heard from Mr. Pat Fenton of Bishop Waste Disposal and Mr. Dale Comontofsky of Preferred Septic, who supported an increase. The Board, staff, and the waste haulers continued to discuss the proposed increase. Moved by Supervisor Griffiths and seconded by Supervisor Pucci to increase the floor rate for residential, commercial and roll-off service by 8%. Motion carried unanimously.

Ag. Comm./ Mammoth Lakes Mos. Abatement District Contract	Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to approve the Contract between Inyo County, Owens Valley Mosquito Abatement Program and the Mammoth Lakes Mosquito Abatement District for the provision of mosquito control services in the amount of \$325,000, effective upon the date of execution by the last party hereto and continue for a term of five years from said effective date and accept certain equipment as the first payment of \$32,500; and authorize the Chairperson to sign. Motion carried unanimously.
HHS-Children Serv./ NCCD Contract	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to ratify and approve the Contract between the County of Inyo and the NCCD for the provision of SafeMeasures® Internet Reporting Services, in an amount not to exceed \$12,000 for the period of July 1, 2013 through June 30, 2015, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign. Motion carried unanimously.
HHS-Behavioral Hlth. Serv./Victor Treatment Center Contract	Moved by supervisor Tillemans and seconded by Supervisor Griffiths to ratify and approve the Contract between the County of Inyo and Victor Treatment Center for the provision of mental health services in an amount not to exceed \$30,000 for the period of July 1, 2013 through June 30, 2014, contingent upon the Board's adoption of a FY 2013-14 budget; and authorize the Chairperson to sign. Motion carried unanimously.
HHS-Soc. Serv./ Position Request	Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the position of Social Worker exists as certified by the Health and Human Services Director, 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 Social Worker II at Range 64 (\$3,590 - \$4,363) or III at Range 67 (\$3,852 - \$4,676) depending on qualifications and contingent upon the Board's adoption of a FY 2013-14 budget. Motion carried unanimously.
HHS-Soc. Serv./ Position Request	Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the position of Social Worker exists in the Social Services Budget as certified by the Health and Human Services Director, 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 Social Worker II at Range 64 (\$3,590 – \$4,393), contingent upon the Board's adoption of a FY 2013-14 budget. Motion carried unanimously.
HHS-Senior 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 B-PAR Senior Citizen Specialist exists in the IC Gold and ESAAA budgets as certified by the Health and Human Services Director, 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 B-PAR Senior Citizen Specialist III at Range 50PT (\$13.90 – \$16.87) and if an internal candidate is hired into the position, authorize HHS to backfill the resulting vacancy contingent upon the Board's adoption of a FY 2013-14 budget. Motion carried unanimously.
Integ. Waste/ Workshop	The request for the Board to conduct the third of three workshops regarding Inyo Recycle and Integrated Waste Program to discuss related issues with the focus on waste collection was postponed to next week.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 2:30 p.m., to reconvene in open session at 2:40 p.m., with all Board Members present.
CAO-CC-Planning/ Term Sheet for MOU w/DWP on Southern O.V. Solar Ranch Project	The County Administrator and Mr. Greg James, Consulting Attorney, provided additional information regarding the proposed Dept. of Water and Power Solar Energy Ranch Project, which is a 200 megawatt photovoltaic solar generating facility located on eastside of Highway 395 on Manzanar Reward Road. They reviewed the events that led to the development of the Non Binding Term Sheet that the Board is being requested to consider approving.

Mr. Carunchio compared and contrasted the Bright Source Hidden Hills project as an analogy to this project. He said that DWP had approached the County about the proposed Project, and the County -- using methods developed during its evaluation of the Bright Source Project -- identified the project will have \$6 million impact on County services over a 25 year period, and the County and DWP had negotiated to mitigate for those impacts. He highlighted some of the components of the Non Binding Term Sheet, including: DWP will agree to give the County a one-time \$4.2 million non-categorical payment to cover costs and impacts to County programs and services; LADWP will provide the County the opportunity to apply for a \$2 million loan to improve the County's campgrounds and/or develop low income housing and/or undertake other economic development initiatives. DWP will commit that 10 megawatts of its Feed and Tariff Program will be deployed in the Owens Valley and the Department will commit to hiring at least 10 County residents would be employed by the Department in its Trades Internship Program. He talked about LADWP's commitment to develop a separate Energy Efficiency MOU for Inyo schools served by the utility similar to the one LADWP developed for schools in Los Angeles. He also noted that the Term Sheet provides for LADWP to be responsible for the repair and maintenance of the Manzanar Road, which is a County requirement under LORP Post Implementation and Funding Agreement, while the project is being constructed, and if it is later retrofitted or decommissioned. Mr. Carunchio went on to emphasize that the Board is considering a Non Binding Term Sheet, that sets the stage for going forward with the development of a formal MOU between the County and LADWP, and while the MOU is being developed the County will continue to be fully participating in the draft EIR review and comment process. Ms. Cathreen Richards, Senior Planner, provided information on the project location. The Board and staff briefly discussed the draft EIR and its release and the exact project location.

Mr. James provided more specific information regarding the project and the Non Binding Term Sheet including that the County had negotiated with LADWP to disperse the workforce of between 50 and 300 employees over the life and construction phases of the project, in the communities of Big Pine, Independence and Lone Pine by constructing the project in phases during a five-year construction period and having LADWP provide transportation to the site. He talked at length about the County's possibly limited ability to regulate the City of Los Angeles or the project in absence of an agreement, and LADWP's assertion that the answer to the question of regulatory authority would have to come from the Courts because they would not acquiesce that the County had regulatory authority. Mr. James explained how even if it is determined that the County has regulatory authority the entity (LADWP) proposing the project can do an Environmental Impact Report, adopt a statement of overriding consideration, explaining why the project is needed even though it is inconsistent with the County's General Plan, then move forward with the project. Mr. James also noted that if the Board of Supervisors approves moving forward with the Non Binding Term Sheet it is not approving the MOU, it is just directing that a formal agreement be prepared for the Board's consideration. He said even if the Board approves the MOU, it does not commit either party to anything until the final project is approved. Mr. James clarified that Los Angeles' commitment to pay the money to the County won't be triggered unless Los Angeles builds the project and that the County's commitment not to challenge the EIR would not be triggered until after the final EIR is adopted and then only if the County and LADWP had executed the MOU. He said approving the Non-Binding Term Sheet does not, in itself, prevent the County from commenting on the draft EIR, or challenging the EIR if it is adopted. In responding to a question from Supervisor Griffiths regarding the provisions of Item No. 12 in the Non-Binding Term Sheet, saying there is nothing in the agreement at the present time that says the County cannot comment on the EIR. Supervisor Arcularius clarified that the Agreement says the County will not challenge the Final EIR if it is adopted. The Board, staff and Mr. James continued to talk about the timing of the implementation of a Final MOU and its impact on the County's ability to participate in the comment period for the EIR. The discussion went on to talk about the groundwater pumping identified in the Term Sheet, and a reclamation plan that is not identified in the Term Sheet because LADWP has determined that the Project will run in perpetuity. Mr. James commented that CEQA would impact the reclamation plan should the project be decommissioned in the future.

Mr. Les Inafuku, Superintendent of the National Park Service Manzanar Historic Site (Manzanar), addressed the Board to identify his concerns with the impact of the project on Manzanar. He asked that an alternate site be found for the project. He provided visitation and visitation expenditure statistics. He said that the proposed project is located on what was the Manzanar Relocation Camp solid waste pit when the Camp was operated by the War Relocation Authority, and as such the site is a cultural resource, expressing his view that an archaeological survey of the

site would have to be conducted. Mr. Inafuku talked about the importance of protecting the natural and cultural landscape surrounding Manzanar along with the visual resources, the night sky view resources, and the visitor experience. He confirmed that Manzanar has installed a photovoltaic system on site, which he says most visitors don't even notice. He asked the Board to remember the importance of Manzanar to the historic culture of the Valley as it makes its decisions regarding the County's position on the project.

Ms. Sally Manning, Environmental Director for the Big Pine Paiute Tribe, read a letter from the Tribal Chairperson objecting to the project; objecting to the County entering into the Term Sheet; and suggesting the County participate in coordination with the Tribe on the project. She said she believes it was wrong to make a deal giving the green light to a project regardless of the impacts it may create. She said that it means the County will not defend any entity that objects to the significant impacts, and that if the MOU is adopted it means that the County pays higher regard to LADWP than its own environment and citizens.

Mr. Daniel Pritchett, Owens Valley Resident, commented on the impact the project will have on the Valley's cultural landscape noting the view shed between the Inyo Mountain Wilderness and the John Muir Wilderness from which the project will be visible. He quoted a letter Gene Coufal wrote to the Bishop Mural Society in 2005 that says the Owens Valley remains one of the last areas in California that is virtually untouched by pollution and development because of the stewardship of the land by LADWP. He questioned Los Angeles' local land stewardship practices, talked about dispersed solar instead of solar facilities, and recommended the Board not enter into any agreements with LADWP that would give up the County's ability to challenge the EIR. He said that instead of negotiating an MOU, the County should be trying to work with the Park Service, the Inyo National Forest, and others to collectively fight the project rather than assuming that the County is going to lose a legal challenge and trying to make the best of it.

Ms. April Zrelak, Lone Pine Paiute Reservation Environmental, addressed concerns with the amount of groundwater pumping identified in the Term Sheet; objected to the County giving away its right to comment on the EIR if it decides to enter into the MOU; and objecting to the small amount of megawatt LADWP is providing under the Feed and Tariff Program. She said that she did not believe that the County had its back against the wall and that if LADWP goes forward without consulting with the County, then the Tribes, the environmental groups, and the County can fight together. She said that by signing the Agreement the Board would be taking the County out of that fight. Mr. Ronald Higgins an Olancho Resident, questioned LADWP's motives for wanting the Agreement and to provide instances where he believes LADWP has not been a good neighbor. Mr. Higgins briefly talked about LADWP and its obligation to mitigate for dust on the lake and having to use manure to fill potholes created by DWP on a road near his home. Mr. Bill Helmer, Tribal Historical Preservation Officer for the Big Pine Paiute Tribe, supported the letter read by Ms. Manning earlier. He questioned the timing of the Term Sheet; the location of the project in proximity to his home; and suggested the Board conduct public hearings on the project. Mr. Helmer expressed concern with the County not being able to challenge the EIR if it decides to adopt the MOU outlined by the Term Sheet.

The Board, staff and members of the audience continued to discuss the project and the Term Sheet the Board was considering approving, including:

- What was learned through the negotiations on the Bright Source Hidden Hills project and its analogy to this project;
- DWP utilizing dispersed solar for its ratepayers before turning to industrial solar in the Owens Valley;
- The impacts of a project of this size on the County's resources;
- The impacts on County services should the County not prevail in a challenge of the project;
- The impact on the County's economy of losing the 50 to 300 workers over a five year period as the project is constructed;
- The Feed and Tariff Program commitment contained in the Term Sheet;
- The proposed groundwater pumping associated with the project;
- That the Board is considering a Non Binding Term Sheet that preserves the Board's options with regard to the project;
- That the County still has an opportunity to comment on the Draft EIR prior to the finalization of an MOU;

- That the east side of Highway 395 is a transmission line corridor and what happens when projects are located away from the transmission lines, i.e., the need for more transmission lines;
- the State of California's mandates for renewable energy and what that means to future projects in Inyo County;
- The County's lack of regulatory authority over the project;
- CEQA's applicability to the project;
- The possibility of the County amending the Term Sheet prior to approving it; and
- That by signing the Term Sheet the County is preserving its options and by not signing the Term Sheet, if it is determined that the County has no regulatory authority, the County's opportunities to derive benefits from the project to help defer its impact on County's services and the local economy may be eliminated or diminished.

The County Administrator noted that through today's discussion, in stark contrast to the County's experiences on what had transpired on the Bright Source Hidden Hills Projects when the County had to "go it alone," representatives from two tribal entities have indicated that the Tribes would stand with the County against this project. He invited the Tribal Administrators of the Lone Pine and Big Pine Tribes along with their Counsels to meet with him to see what sort of joint defense or approach document the group could craft. He said that he was very appreciative of the offer of solidarity, thanked the representatives of the Tribes and Mr. Les Inafuku of the National Park Service, and said he would like to develop a third track in the comings weeks to see what the National Park Service, along with the Lone Pine and Big Pine Tribes can put on the table with regard to legal defense, political power, and lobbying efforts.

The individual Board Members provided comment on the Term Sheet, EIR Comment schedule, the MOU, and the information that had been provided during today's discussion. Supervisor Griffiths said that he was uncomfortable with the timing of the Term Sheet and wanted to wait on its approval until after the Draft EIR is released so he can get a better idea of what it looks like. Mr. Carunchio informed the Board that he had received word that the Los Angeles Department of Water and Power Commission had approved the Non-Binding Term Sheet, as presented, earlier in today.

Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to move forward with the Term Sheet for an MOU with the City of Los Angeles Department of Water and Power for the proposed Southern Owens Valley Solar Ranch Project as presented, and direct staff to prepare the MOU incorporating the provisions contained in the Term Sheet, with the note that there are parts of it that the Board has concerns about that need to be addressed as much as possible as the County moves forward with the development of an MOU. Motion passed on a four-to-one vote with Supervisors Arcularius, Pucci, Tillemans and Kingsley voting yes and with Supervisor Griffiths voting no.

Emerg. Serv./D.V.  
Road Eater Emerg.  
Continued

CAO recommended Board continue the Emergency. Moved by Supervisor Kingsley 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.

Emerg. Serv./Gully  
Washing Emerg.  
Continued

The County Administrator updated the Board on efforts to determine the amount of damage sustained to the roads in the County as a result of the flash flooding as well as the cost to repair the roads. Moved by Supervisor Pucci 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.

Planning/FS Plan  
Update/Revision

The request to receive a presentation from staff about coordination with the Forest Service staff regarding the Inyo National Forest Plan Update/Revision and provide input, review the County's Draft Focus Paper Outlines and provide direction, and approve the Public Outreach Plan was rescheduled for next week.

BofS/Minute  
Approval

Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to approve the minutes of the July 2, 2013 and July 9, 2013 Board of Supervisors Meetings. Motion carried unanimously.

Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to approve the minutes of the July 16, 2013 Board of Supervisors Meeting. Motion carried unanimously, with Supervisor Kingsley abstaining.

Org./Arts Council Millpond Closure Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to approve the closure of the Millpond Recreation Area to the public from Friday, September 20, 2013 at 6:00 a.m., through Sunday, September 22, 2013 at midnight for the annual Millpond Music Festival. Motion carried unanimously.

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

Adjournment The Chairperson adjourned the regular meeting in memory of Mr. John Young and Mr. David Hess, at 5:25 p.m., to 9:00 a.m., Tuesday, August 13, 2013 in the Board of Supervisors Room, at the County Administrative Center, in Independence.

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Chairperson, Inyo County Board of Supervisor

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

by: \_\_\_\_\_  
*Patricia Gunsolley, Assistant*