



County of Inyo Board of Supervisors

November 4, 2014

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:34 a.m., on Tuesday, November 4, 2014, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Rick Pucci presiding, Linda Arcularius, Jeff Griffiths, Mark Tillemans and Matt Kingsley.

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. **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, Sr. Deputy County Administrator, Pam Foster, 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 10:10 a.m., to reconvene in open session at 10:15 a.m., with all Board Members present.

Pledge Supervisor Kingsley led the Pledge of Allegiance.

Report on Closed
Session County Counsel reported that with regard to Agenda Item No. 2. **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, Sr. Deputy County Administrator, Pam Hennarty, and Public Works Director, Clint Quilter, and Joseph Enterprises - Negotiating Parties, Steve Joseph, Scott Piercey, Wayne Lamb and Jeff Shepard – Negotiations – Terms and Conditions, instructions were given to the negotiators.

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

BofS/Inyo County’s
GBAPCD Board
Representation The Board discussed and considered the proposal from Supervisors Arcularius and Kingsley to request the Great Basin Air Pollution Control Board to recommend, and the District’s member agencies to concur in modifying the agreement between Inyo, Mono and Alpine counties forming the Great Basin Unified Air Pollution Control District to provide the County of Inyo with representation on the Air Pollution Control Board proportional to Inyo County’s relative population and responsibility for District liabilities.

Supervisors Arcularius and Kingsley explained that the request to have the Inyo County Board of Supervisors discuss the County’s representation on the Great Basin Unified Air Pollution Control Board (GBAPCD) during an open public meeting was the only way the Board of Supervisors could, under the Brown Act, have the discussion. They both went on to dispel current media reports that they had ulterior motives, by clarifying they were looking at ways to better represent the citizens of the County and the Fifth District in matters relating to the Owens Dry Lake. They explained that (a) Mr. Ted Shade, the current Air Pollution Control Officer, has tendered his resignation, (b) the GBAPCD which meets on a quarterly basis has a meeting scheduled for this Friday and it may be Mr. Shade’s last meeting, and it seemed like the best time to bring the discussion regarding GBAPCD Board membership and associated liability up for discussion by the District Board in order to garner Mr. Shade’s advice on this issue; and (c) how prior to having that discussion they wanted to make sure they were following the wishes of the Inyo County Board of Supervisors.

The Board discussed the previous GBAPCD representation where in 1974 the County of Inyo had three Board Members and how in 1982 Inyo County's representation on the GBAPCD was reduced to two, while Alpine County's representation was increased from one member to two members, and where Mono County's representation remained at two members and the Town of Mammoth Lakes joined the District and was allocated one member. The Board and County staff went on to talk about the distribution of assets and liabilities under the District's consolidation agreement between the member entities. The Board and staff from the County of Inyo and Mr. Dwayne Ono, GBAPCD Deputy Air Pollution Control District Officer, continued to discuss the make up of the GBAPCD Board, including (a) more equitable representation on the District Board for Inyo County, (b) having the liability of the District being apportioned by membership, i.e., currently 7 members, each County would assume 2/7th of the liabilities, with the Town of Mammoth Lakes assuming 1/7th; (c) possibly developing a process for a weighted vote when issues are specific to a certain area, i.e., Owens Dry Lake, Mono Lake, ski resorts, etc.; (d) the City of Los Angeles's funding of the District's legal liabilities associated with legal actions and responsibility for the liability should an award of damages be made against the District; (e) District budgets, i.e., SB270 funding; (f) the process for an entity to withdraw from the District; (g) instigating a discussion with the City of Bishop regarding joining the District; (h) that a large majority of the work being done by the District centers on the Owens Dry Lake; and (i) a reiteration that the introduction of this topic was to initiate the discussion regarding the best way for the Inyo County Fifth District constituency, who live around the Owens Dry Lake, to be represented.

The County Administrator suggested the Board schedule an update on what transpires at the GBAPCD Board meeting for its November 17, 2014 Board of Supervisors Meeting and also that a motion be taken to provide Supervisors Arcularius and Kingsley with direction.

Moved by Supervisor Tillemans and seconded by Supervisor Griffiths that the County of Inyo's representatives to the Great Basin Unified Air Pollution Control District Board, Supervisors Arcularius and Kingsley, have a discussion with the GBAPCD Board as a whole, as to the member representation on the Board and to also reflect today's discussion on the matter, and to set this for an update on the November 17, 2014 Inyo County Board of Supervisors Agenda. Motion carried unanimously.

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| Planning/Desert Protection Act 2014 | Ms. Cathreen Richards, Senior Planner, made a presentation on the California Desert Conservation and Recreation Protection Act of 2014. The Board and staff discussed the Act in detail and at length. The Board postponed further discussion on this item to the afternoon session. |
| Sheriff-CAO-Info Serv./GIS Day | Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to declare November 19, 2014 as National GIS Day. Motion carried unanimously. |
| Rd. Dept./Stop Signs Installation | Moved by Supervisor Kingsley and seconded by Supervisor Arcularius to approve the installation of three new stop signs: one at the intersection of Substation Road and Goodwin Road; one at the intersection of Teya Road and Goodwin Road; and one at the intersection of Substation Road and Zucco Road. Motion carried unanimously. |
| Recess/Reconvene | The Chairperson recessed the regular meeting at 11:55 a.m., to reconvene in open session at 12:00 p.m., with all Board Members present. |
| P.W.-Planning/Adventure Trails System | The Board received a presentation from staff regarding the Eastern Sierra ATV Adventure Trails System of the Eastern Sierra Project. Mr. Courtney Smith, Transportation Planner in the Public Works Department, provided the Board with a detailed matrix that depicts the timeline for the project, including identifying the public meetings that have and will be held in conjunction with the project. Mr. Smith explained that at the December 2, 2014 Board of Supervisors Meeting the Board will be asked to approve the Final Environmental Impact Report (EIR), make the necessary CEQA findings, consider approval of up to 36 proposed combined use roads; and make revisions to the implementing procedures. The Board and staff discussed the various options available to the Board regarding the timeline for approval of the project, with the Public Works Director, County Counsel and the County Administrator strongly urging the Board to not consider approving the Final EIR until they have approved the project. |

Mr. Smith responded to questions from the Board explaining that the County is required to submit a report on the project to the California State Legislature by December 31, 2015 and the project is required to be completed by the enacting Legislation AB 628 by December 31, 2016. Mr. Smith also noted that the proposed route utilizing Hannby Avenue in the City of Bishop had been removed from consideration because of the CHP safety determination. Mr. Smith went on to explain that the notification procedure has been expanded to include a 21 day notification to the property owners immediately adjacent to the proposed combined routes.

Planning/Forest
Plan Update

The Board received an update on the Eastern Sierra Recreation Collaborative (ESRC) from County Counsel, Ms. Kemp-Williams, who explained that because the goal of ESRC is to build consensus it is her legal opinion that the Board Members direct participation in the meetings of the ESRC would be considered a violation of the Brown Act. She went on to recommend that should the Board Members wish to attend an ESRC meeting that they do so only as observers. The County Administrator provided additional information on how the County of Inyo might participate with the group. Mr. Carunchio went on to question how a political organization such as the ESRC was able to garner the support it has from the Sierra Nevada Conservancy (SNC), a State agency, without any type of formal action. Supervisor Arcularius explained that she believes the initial participation of the SNC fits within the parameters of the SNC enabling legislation, but that the breakdown is in that the process didn't get thought through to what the conclusions would be used for, which is problematic. Mr. Josh Hart, Planning Director, updated the Board on coordination efforts with Forest Service staff regarding the Inyo National Forest Plan Update/Revision.

Recess/
Reconvene

The Chairperson recessed the regular meeting at 12:50 p.m., to reconvene in open session at 1:35 p.m., with all Board Members present.

Planning Desert
Protection Act 2014

The Board and staff continued to discuss the California Desert Conservation and Recreation Protection Act of 2014. As a result of the discussion, the Board provided input on the Act as follows: (a) develop wider exclusion areas around the roads for easier maintenance, (b) secure County's access to gravel pits in Death Valley, with language recommended by Mr. Quilter to change where it says they "enter into an MOU with Inyo County permitting ongoing access" be changed to "permitting operationally practical ongoing access;"; (c) question the designation of Wild and Scenic River to Surprise Canyon Creek; (d) compare the Cook Bill version and the Act regarding the Alabama Hill Scenic Area designation; (e) since the Act proposes a new "wilderness" designation for Great Falls Basin, identify wilderness study areas (WSA) to be released in the County; and (f) find out how much the County may expect to receive from BLM based on the new sharing of royalties language for "renewable energy" project. The County Administrator suggested the Board make the response a soft ask that (a) recognizes the work the Senator and her Staff have done on this; (b) states the County's appreciation for being listened to over the years as the legislation has developed; (c) that the Board would be considering official support when the final draft is released; and (d) these are some of the things we would like considered.

Planning/Willdan
Contract
Amendment

Moved by Supervisor Arcularius and seconded by Supervisor Kingsley to approve Amendment No. 2 to the Contract between the County of Inyo and Willdan Engineering to extend the ending date of the Contract to December 31, 2015 and to increase the Contract limit by \$4,000 to a total amount not to exceed \$70,500, 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.

Emerg. Serv./D.V.
Roadeater
Emergency
Continued

Moved by Supervisor Kingsley 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 Emerg.
Continued

Moved by Supervisor Tillemans and seconded by Supervisor Kingsley 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
Continued

Moved by Supervisor Tillemans and seconded by Supervisor Arcularius 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 Continued	Moved by Supervisor Tillemans and seconded by Supervisor Griffiths 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 Griffiths to approve the minutes of the October 14, 2014 and October 21, 2014 Board of Supervisors Meetings. Motion carried unanimously.
County Department Reports	The Chairperson announced the County Department Report period. The Planning Director, Mr. Josh Hart reviewed the schedule of meetings for the EIR on the REGPA. Dr. Bob Harrington, Water Director, updated the Board on the status of groundwater in the west Bishop area. Ms. Marge Kemp-Williams, informed the Board that a 2009 Office Depot lawsuit has been settled and as a result of the settlement, the County of Inyo, while not a party to the lawsuit, will benefit as an effected party. She said the County can expect, if the settlement is accepted by the Court to receive, a little more than \$45,000. Ms. Pam Foster, Sr. Deputy County Administrator, reported that four automatic pay stations have been successfully installed at Diaz Lake, Taboose Creek, Baker Creek, and Pleasant Valley campgrounds.
Public Comment	The Chairperson announced the public comment period and there was no one from the public wishing to address the Board.
Board Members and Staff Reports	The Board Members reported on their activities during the preceding week, including an ESAAA Advisory Council Meeting, Old West Days in Tecopa, an ESRC Meeting, Big Pine Homecoming, Big Pine Civic Club, notification of Veteran's Day celebrations in Big Pine and Independence, and notification of the upcoming dedications of the Animal Shelter in Big Pine at 11:00 a.m., and the George Milovich Agricultural Maintenance Building at 3:30 p.m., on Friday November 14, 2014.
Adjourned	The Chairperson adjourned the regular meeting at 2:30 p.m., to 8:30 p.m., on Wednesday November 12, 2014, 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