

MINUTES



County of Inyo Board of Supervisors

April 7, 2017

The Board of Supervisors of the County of Inyo, State of California, met in special session at the hour of 9:04 a.m., on April 7, 2017, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Mark Tillemans, presiding, Dan Totheroh, Rick Pucci, Jeff Griffiths and Matt Kingsley.

PLEDGE OF ALLEGIANCE

Assistant County Counsel John Vallejo led the Pledge of Allegiance.

PUBLIC COMMENT

Chairperson Tillemans asked for public comment during the first public comment period and there was none.

CLOSED SESSION

Chairperson Tillemans recessed open session at 9:04 a.m. to convene in closed session with all Board members present to discuss the following items: No. 2 ***PERSONNEL [Pursuant to Government Code §54957]*** – Public Employee Performance Evaluation – Title – Chief Probation Officer; and No. 3 ***PERSONNEL [Pursuant to Government Code §54957]*** – Public Employee Performance Evaluation – Title – County Administrator.

OPEN SESSION

Chairperson Tillemans recessed closed session and reconvened the meeting in open session at 10:04 a.m. with all Board members present.

PLEDGE OF ALLEGIANCE

Supervisor Kingsley led the Pledge of Allegiance.

REPORT ON CLOSED SESSION

Assistant County Counsel John Vallejo reported on behalf of the Board that no action was taken during closed session that is required to be reported.

PUBLIC COMMENT

Chairperson Tillemans asked for public comment during the second public comment period and there was none.

COUNTY DEPARTMENT REPORTS

Chairperson Tillemans opened the floor to County Department Reports and there were none.

WORKSHOP – INYO/LOS ANGELES EMERGENCY RESPONSE RELATIONS

The Board met in a workshop setting with officials from the City of Los Angeles to discuss coordination of emergency services and City/County relations during the Here It Comes Emergency proclaimed in anticipation of 2017 run-off conditions. CAO Carunchio explained the workshop was precipitated by updates of Here it Comes Emergency pre-planning efforts given at Tuesday's meeting by himself, Sheriff Lutze, and Public Works Director Quilter. He said at the time, there were unresolved issues warranting discussions with LADWP. After Tuesday's meeting, Carunchio received calls from the Los Angeles Mayor's Office and upper echelons of LADWP voicing solidarity with the County and sharing its concern for threats to life and property in Inyo County. Carunchio said he thought some of the confusion came from inadvertent unfortunate language in the Mayor's Emergency Proclamation that suggested Los Angeles had jurisdictional authority to proclaim that emergency within the boundaries of Inyo County. He said he believed that issue has somewhat clouded communications but the higher levels of government in Los Angeles do seem very much aligned with Inyo County. Supervisor Kingsley said it does seem like there have been mixed messages locally, and it's tough on the County when local LADWP staff is saying something different than Los Angeles DWP staff. Chairperson Tillemans said he believed Inyo and Los Angeles ultimately had the same goal to protect life and property. And while he understood LADWP's infrastructure needed to be protected too, he said a serious threat to life and property will be unfolding shortly in the Owens Valley.

Supervisor Pucci said he wanted LADWP to understand that the severe runoff season would not just be affecting Inyo County residents, but the public at large, including the tens of thousands of Los Angeles residents visiting or passing through on any given day. Ted Bardacke, Director of Infrastructure for Mayor Garcetti's Office and Chief Policy Liaison to LADWP, thanked Carunchio for having City officials in attendance and for working with them over the past several weeks on the Here It Comes Emergency. He said the Mayor regretted not being able to attend but sent his regards, and also wanted to communicate his concern for the Here It Comes Emergency and some of the miscommunication that has occurred since he issued his proclamation. He said today's meeting is an opportunity to be in alignment in an open and transparent dialogue, noting that the bright side to the impending emergency is that the agencies have the chance to take pre-emptive action but they will have to build their response together. Bardacke said the Mayor's main intent when he declared the emergency was not to throw up bureaucratic barriers or to complicate things but to provide additional flexibility for the Department to help the County respond, and to underscore the urgency involved. Bardacke wanted to emphasize that the Mayor's primary purpose was to reduce the impact to the people of this region. He apologized if that was not communicated on down. He then reiterated that when Mayor Garcetti announced the state of emergency on March 20, he said, "The communities and agencies of the Owens Valley will be central to everything we do here." He said he traveled to the Owens Valley to make sure that that desire and intent is communicated on the ground and put into action on the ground. He said the City is trying to clear the way to have an effective and coordinated response. Chairperson Tillemans then read a portion from Inyo County's proclamation that he felt mirrored the same spirit of cooperation: "Be it further resolved, that the Inyo County Board of Supervisors hereby directs the staff of the County of Inyo to cooperate with and assist the City of Los Angeles Department of Water and Power in managing its water resources in the Owens Valley during the 2017 runoff to prioritize the protection of persons and private, Tribal and public property and infrastructure in the communities of Inyo County..." Bardacke said he, his staff, and the Mayor's staff are always available should any concerns arise. Marty Adams, LADWP Chief Operating Officer, highlighted what the Department has been doing to address the coming runoff. The Board was provided with a printed summary of water spreading preparation and activities as of April 6, including what is being done and where by the personnel out of both the Bishop and Independence yards, as well as historical creek flow data. He said the real focus of LADWP's actions has been preparing natural waterways and water courses to handle the high flows. He said LADWP sees flows getting out of their channels, channels failing, and culverts clogging and washing water across streets and U.S. Highway 395 as the big potential dangers. Adams added that LADWP's role just as a Department in its own interests is completely complementary with the Department and its interests as part of the community in the Owens Valley. He said LADWP very much understands it is a part of the community, not only in that its employees live here, but that LADWP is an important part of everything that goes on in the Owens Valley and it takes that role seriously. Adams then reviewed the compilation of efforts currently underway to prepare for the runoff. He said almost all Owens Valley employees have been involved in preparing for runoff and 99% of their work is runoff related (75% to spreading alone). He noted the Department's first course of action is trying to keep the water from reaching the river and keeping it as far up on the alluvial fans as possible. He said 95% of the work to prepare the alluvial fans is complete. He said they are also diverting and spreading the water that does reach the river and noted a lot of canals have been cleaned and mowed to maintain flow capacity. He said crews have already spread about 35,000 acre-feet of water and will do more later in the season. He said he thinks there will be a huge amount of recharge as a result. He said LADWP is trying to put the water to beneficial use anywhere it can go without doing damage. Crews are also doing a lot of work around the LORP intake area. Adams then discussed staffing and equipment availability and staging – information he said is being made available so the County will know where the equipment is at in case it needs it. He said he spoke with Sheriff Lutze prior to the meeting about fishing season and people trying to access quick-moving waters. He said LADWP will make sure it provides the Sheriff's Department with timely information so it knows what kind of water flows to expect, particularly when there are dangerous situations reminiscent of those that prompted the cancellation of the Blake Jones Trout Derby at Pleasant Valley Reservoir and the nearby Owens River in March. He also noted the Department is lowering the level of Crowley Lake to make room for the runoff to avoid a spill that could impact sensitive habitat in the Owens Gorge. He said the Department just finished an agreement with the Metropolitan Water District to temporarily transfer water to the district in the event LADWP has more water than it knows what to do with. But again, he said, they are trying to find beneficial uses. He said there is more than enough to go around with LADWP looking at runoff amounts that are about double the demand for the entire City of L.A. He talked about the

Owens Lake and said it could see as much as a seven-foot rise in the water levels, which would leave a highly emissive “bathtub ring” of salts when the water recedes. There is also the possibility of significant flooding that would destroy LADWP’s dust mitigation infrastructure. Adams said it took LADWP 15 years to get where it is now with dust mitigation and it recognizes the health risks such a setback would create, thus it is doing everything it can to avoid flooding at the dry lake. He reiterated that LADWP believes it’s in this together with the rest of the community and doing whatever it takes to keep the water channelized and flowing properly and preventing damage is in everyone’s interests. He also reiterated Bardacke’s comments that the Mayor’s Emergency Declaration helps untie LADWP’s hands as an agency, and while LADWP realizes that it is Inyo County’s jurisdiction in the Owens Valley, not the City’s, the proclamation helps LADWP get contracts, equipment, and materials, expedites its purchasing process and makes it much more nimble in general when responding to problems as they occur. He said LADWP hopes to leverage that flexibility to the City and County’s mutual benefit. Supervisor Totheroh noted Owens River data is missing from estimated creek flow information distributed by LADWP and Adams said it would be forthcoming. Adams added that LADWP will be looking at the tule situation on the Lower Owens River and how that will impact the water flow. Chairperson Tillemans asked whether LADWP has an opportunity to start clearing the tules now before the onslaught of runoff. Adams said there might be. He said LADWP hasn’t looked that far ahead but it is something LADWP and the County should talk about together. Anselmo Collins, LADWP Director of Water Operations, provided more details about the plan to draw down the water levels in Crowley Lake to prevent it from spilling, while also maintaining adequate levels for fishing. He also confirmed that LADWP will continue to not divert the tributaries feeding Mono Lake since there is no need and in the hopes that it will be able to recover from the drought, and confirmed that the agency is in talks with the State to obtain variances to be able to operate Crowley and other reservoirs at higher levels. Chairperson Tillemans said he was surprised to learn that Tinnemaha has the potential capacity to hold about 10,000 more acre-feet than it is currently being used to store. Adams said some reservoirs are required to be operated at lower levels because of California seismic standards. Collins said Tinnemaha’s capacity is about 16,000 a.f. and being operated per regulations at around 6,000 a.f., so LADWP will be asking for a storage increase from the State. He said current inundation maps are based on reservoirs’ original, maximum capacities, so they would still be valid post-storage increases for all reservoirs except for Crowley. Collins gave a set of the maps to the Assistant Board Clerk to make copies and distribute to the Board, noting that updated maps would be forthcoming for Crowley Lake. Supervisor Griffiths expressed some concern regarding raising Crowley Lake’s level because of possible seismic activity from the weight of the extra water on the ground, which happened with the Oroville Dam. Collins said it was his expectation that seismic activity would be among the factors taken into consideration by the State, noting that all the water LADWP stores around the Owens Valley is about 7% of what is stored in the Oroville Dam. Supervisor Totheroh said even small dams can cause problems, and discussion turned to inspection requirements. Collins went on to make suggestions for the interagency coordination meetings: updating the call-out list, making sure everyone’s provides contact information where they can be reached 24 hours a day, and providing landline phone numbers so they are reachable during the day. Chairperson Tillemans said the community is grateful that when emergencies do happen in Inyo County, the City and its personnel are right there responding to help, whether it’s fires or floods. He said the information provided today has reassured him that the same will happen during the Here It Comes Emergency. Undersheriff Jeff Hollowell presented Adams with the Sheriff’s Department concerns and requests, including peak daily flow data – including how it’s tied to temperature – that it has been asking LADWP for through Unified Command. He said even if it’s good faith estimates, the Sheriff’s Department can use the information to anticipate flooding at certain locations. He also asked how LADWP realistically anticipates preventing Crowley Lake from spilling. Adams said LADWP will still be exporting as much water as it can, but conceded that the Eastern Sierra is predicted to get continued moisture. Sheriff Lutze said the County has found it helpful to have LADWP staff in the pre-planning meetings who are working on the ground and know and understand the actual conditions and specific areas of concerns. He said a lot of debris flow is expected along with the runoff so it will be important to have the right equipment and personnel stationed at the right areas. He added his department is trying to do a lot of media outreach regarding public safety around waterways. Chairperson Tillemans suggested ranchers might be a good resource to have at the pre-planning meetings as well. Supervisor Pucci said the agencies work well on the ground responding to disasters; the hard part is the pre-planning, which is why he appreciates City and LADWP staff attending today’s meeting. Public Works Director Clint Quilter asked if LADWP could provide notice to the County if it plans to divert or cut loose water and it will impact County infrastructure. CAO Carunchio indicated one email blast through the interagency

email list could be useful in such situations. He also thanked LADWP and the City for the information, which he thought would alleviate concerns. He said that the County would like to see some efforts to clear the Lower Owens River channel, at least on the downstream side of culverts and bridges. Phill Kiddoo, Air Pollution Control Officer for Great Basin Air Pollution Control District, said Great Basin has been working with LADWP to spread water on Owens Lake by reversing water-saving measures that have been in place since 2015 when the District offered them as a solution to LADWP cutting off lessees' water. He said Owens Lake has great capacity for spreading water in dust control areas as well as in the brine pool but both LADWP and Great Basin want to limit the brine pool to 100,000 a.f. of water to prevent impacts to LADWP's \$1.2 billion in infrastructure investments. He said it's important to note that LADWP is under stipulation to meet deadlines for Phase 7A mitigation work at the end of December and the brine could impact that, thus it's in LADWP's best interests to keep as much water as possible out of the Lower Owens River as it can. He said there is also a Phase 9/10 deadline under California Superior Court Order that comes with penalties and would again be impacted by a higher brine pool. Kiddoo said the biggest mandate is maintaining compliance of current dust control measures; non-compliance means fines of \$10,000 a day. He said damage to infrastructure could likely lead to non-compliance. He noted that if LADWP does miss a deadline, it must demonstrate to the Air District that it did everything in its reasonable control to meet those court orders. He said he thinks LADWP is currently making a good effort by spreading water, but it appears at this time more spreading can be done and would help in other areas around the valley where there have been dust emissions. He concluded that while everyone understands everyone else's goals, it's important to recognize LADWP comes from a "my hands are tied" culture that's different from the rural "I can do it/let's get it done" attitude. Kiddoo said he has seen that attitude changing in LADWP but if the paradigm shift could come from the top down, with leaders letting their department heads know they have the staff and tools to get the job done, everyone will be in a better place come August. Supervisor Kingsley noted that there are two communities in the Fifth District, Lone Pine and Olancho, that could face the brunt of either flooding or significant dust impacts. He also represents Rio Tinto Minerals which operates on the Owens Lake and could face a two-year shutdown. He said he hoped City and LADWP officials would consider flooding as an imminent threat and look at the 1,000 acres of tules when they leave the meeting today and consider what will happen when they push the runoff through. Supervisor Kingsley also said he hoped what LADWP said about the emergency declaration making it a more nimble agency is true because that is a characteristic for which it is not known. Bardacke responded that Mayor Garcetti has made reforms at LADWP a cornerstone of his administration and tried to make it not just more nimble but imbue the agency with an ethic of customer service. Chairperson Tillemans said he appreciated the sentiments and said he would hope to have follow-up conversations regarding other issues impacting Inyo County. Supervisor Griffiths said he is excited to hear about the Mayor's efforts and the County definitely had some input along those lines. He also asked for assurances that LADWP is working with the Owens Valley Mosquito Abatement Program on vector control given the anticipated severity of the mosquito season. Adams said LADWP will have to work through the CAO and his staff on that. Supervisor Griffiths also said, given the water spreading activities likely to increase the spread of invasive plants like salt-cedar, he wanted to make sure the City is taking responsibility for weed management in areas under its control, or coordinated with the County. Supervisor Pucci asked LADWP to keep a close eye on the river and flooding for the sake of lessees. He added that he hoped it was clear the County is ready to help with its resources as well and asked for feedback on how the County could be more helpful. Adams said that, while the City appreciates the County's help in clearing certain waterways, LADWP crews are specially trained to do so without disturbing the natural stream bed and jeopardizing permits. He asked the County to mainly be LADWP's eyes and ears and let personnel know of issues that need to be addressed, especially on the dry lake where the area it controls is the size of San Francisco. He also asked that the Road Department keep LADWP informed of any activities that might impact access to City facilities. Supervisor Griffiths asked Bardacke to confirm that LADWP does not believe its emergency proclamation gives it police powers in Inyo County, and that that power does remain with Inyo County with its own emergency declaration. Bardacke said that was absolutely the case, and was why the Mayor's office appreciated Inyo County following up with its own emergency declaration. He said the Mayor's emergency declaration was never intended to be an assertion of power, but more to allow the City the flexibility with its own work to assist the County in preparing for what's coming. He added that the City has a lot of direct relationships with the State agencies inside Inyo, Mono and Kern counties and may need to ask those State agencies for waivers to do work. He said those conversations are currently underway. CAO Carunchio said he understands the direct relationships but the County still asks that requests for waivers go through the Incident

Command structure. He said to be very clear: it is the County's emergency proclamation that enables the discussions with those State agencies. Bardacke said, again, there was no intention to usurp power and said streamlining the process doesn't mean cutting people out of the process. He said he will be sure to insist that the County is looped in on any particular request for State regulatory waivers or similar so that they do not come as a surprise. Chairperson Tillemans said he wanted to really stress the opportunity to look at the islands area of the Lower Owens River and the Lower Owens River itself and get equipment there now to clear the tules before the onslaught of runoff. He said every effort should be made to do it. He added that a lot of people are doing a lot of great things to prepare for the runoff, LADWP and non-LADWP personnel alike. He also noted that the burning of hundreds of acres mandated by the Blackrock settlement has not been done and needs to be done as soon as possible. Adams said LADWP is very interested in getting to a backlog of burning that was put on hold because of the drought. Supervisor Tothoroh asked whether LADWP is also checking channels for structural integrity and was told yes. Chairperson Tillemans thanked the LADWP and City officials for taking the time to meet with the Board. CAO Carunchio also offered his thanks.

PUBLIC COMMENT No additional public comment was given.

ADJOURN Chairperson Tillemans adjourned the meeting at 1:40 p.m. to 8:30 a.m. April 11, 2017 in the County Administrative Center in Independence.

Chairperson, Inyo County Board of Supervisors

Attest: KEVIN D. CARUNCHIO
Clerk of the Board

by: _____
Darcy Ellis, Assistant