

# MINUTES



# County of Inyo Board of Supervisors

**August 15, 2017**

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:32 a.m., on August 15, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Mark Tillemans, presiding, Dan Totheroh, Jeff Griffiths, Rick Pucci, and Matt Kingsley.

***PUBLIC COMMENT***

Chairperson Tillemans asked for public comment during the first public comment period and there was nobody wishing to address the Board.

***CLOSED SESSION***

Chairperson Tillemans recessed open session at 8:33 a.m. to convene in closed session with all Board members present to discuss the following items: No. 2 **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9 (one case); No. 3 **CONFERENCE WITH LABOR NEGOTIATORS [Pursuant to Government Code §54957.6]** – Employee organizations: Deputy Sheriff's Association (DSA); Elected Officials Assistant Association (EOAA); Inyo County Correctional Officers Association (ICCOA); Inyo County Employees Association (ICEA); Inyo County Probation Peace Officers Association (ICPPOA); IHSS Workers; Law Enforcement Administrators' Association (LEAA). Unrepresented employees: all. Agency designated representatives: County Administrative Officer Kevin Carunchio, Assistant County Administrator Rick Benson, Deputy Personnel Director Sue Dishion, County Counsel Marshall Rudolph, and Assistant County Counsel John Vallejo; and No. 4 **PUBLIC EMPLOYMENT [Pursuant to Government Code §54957]** – Titles: Environmental Health Director; and Health and Human Services Director.

***OPEN SESSION***

Chairperson Tillemans recessed closed session and reconvened the meeting in open session at 10:03 a.m. with all Board members present.

***PLEDGE***

Chairperson Tillemans led the Pledge of Allegiance.

***REPORT ON CLOSED SESSION***

County Counsel Marshall Rudolph reported that no action was taken during closed session that is required to be reported. The Board had not finished its closed session business, however, and would recess to closed session later in the meeting to continue discussions.

***PUBLIC COMMENT***

Chairperson Tillemans asked for public comment during the second public comment period.

Deb Schweizer, Public Affairs Officer for Inyo National Forest, provided the Board with an update on the suspected lightning-caused Indian Fire burning in the Golden Trout Wilderness. She said the fire is roughly 2,500 acres and 10 percent contained, posing no threats to life or property. She said crews have begun establishing good containment lines. She also updated the Board on smoke activities, noting that smoke has been settling into the Lone Pine and Olancho areas. She said there have been zero injuries.

***COUNTY DEPARTMENT REPORTS***

Chief Probation Officer Jeff Thomson gave the Board an update on his department's efforts with regard to Juvenile Transition Services. He said he and Deputy Chief Mark Olsen toured a community school/court school facility in Bakersfield yesterday. He said Inyo County appears to be on the right track with its court school program based on what they saw, but did find areas where Inyo County can make adjustments. He also noted the Bakersfield facility is experiencing the same kind of challenges that Inyo County has been facing. He said they also established good contacts while they were there. Thomson added that he has meetings set up with school administrators in Lone Pine and Big Pine this week to discuss details of how Probation services can be provided to the schools this year. Chairperson Tillemans said the Probation Department is moving in a commendable direction.

**AUDITOR-  
CONTROLLER –  
APPROPRIATION  
LIMIT RESO # 2017-35**

Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve a resolution titled, "A Resolution of the Board of Supervisors of the County of Inyo, California Establishing Fiscal Year 2017-2018 Appropriation Limit Under Article XIII of the California Constitution, and Establishing Period for Contesting Such Limits for the County and Board of Supervisors Governed Special Districts." Motion carried unanimously.

**PUBLIC WORKS –  
QUINN CAT RENTAL  
EXTENSION**

Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve a three-month extension and an additional \$35,000 to the rental agreement with Quinn Cat of Lancaster, CA for the rental of a Hydraulic Excavator, for an amount not to exceed \$109,911, for emergency work related to the spring runoff under the Here it Comes Emergency. Motion carried unanimously.

**PUBLIC WORKS –  
REVISED PLANS &  
SPECS/AD & BID  
COUNTY BUILDINGS  
ROOFING PROJECT**

Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve the revised Plans and Specifications for the County Buildings Roofing Project, and authorize the Public Works Director to advertise and bid the modified project. Motion carried unanimously.

**PUBLIC WORKS –  
FAA AIP MATCHING  
GRANT  
AUTHORIZATION  
RESO # 2017-36**

Moved by Supervisor Griffiths and seconded by Supervisor Pucci to: A) approve the attached resolution authorizing the filing of an application for a State of California Division of Aeronautics (CDA) matching grant for "Bishop Airport – Apron Rehabilitation Project" in the amount of \$83,596.59; B) authorize acceptance of the allocation of said state Airport Improvement Program (AIP) matching funds for the project; C) authorize execution of said AIP Matching Grant Agreement for this project; and D) authorize the Public Works Director to sign any documents required to apply for and accept subject funds on behalf of the County of Inyo. Motion carried unanimously. Motion carried unanimously.

**PUBLIC WORKS – E.  
MARKET ST. TREE  
REMOVAL**

Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve removal of a tree in the County right-of-way at 400 East Market Street, Independence that has a colony of bees living in the trunk, and approve payment for a beekeeper in an amount not to exceed \$950 to assist in the removal of the tree. Motion carried unanimously.

**TREASURER-TAX  
COLLECTOR – SIFPD  
LOAN/RESO # 2017-37**

Treasurer-Tax Collector Alisha McMurtrie said Southern Inyo Fire Protection District has met all of the minimum requirements for a treasury loan and as such she recommends the Board's approval of said loan. Supervisor Kingsley thanked McMurtrie for bringing the item forward, noting that it has become somewhat of an annual event in light of the District's cash flow situation. Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to approve a resolution titled, "A Resolution of the Inyo County Board of Supervisors Approving an Interim Loan to the Southern Inyo Fire Protection District from the Inyo County Treasury Pursuant to Article XVI, Section 6 of the California Constitution." Motion carried unanimously.

**HHS – PLUMAS  
COUNTY MAA  
CONTRACT**

HHS Senior Management Analyst Melissa Best-Baker presented an annual contract with Plumas County, which has agreed to be the contact for the California Department of Health Care Services for Medi-Cal Administrative Activities. Moved by Supervisor Griffiths and seconded by Supervisor Pucci to ratify and approve the agreement between the County of Inyo and Plumas County for the period of July 1, 2017 through June 30, 2018 for hosting Medi-Cal Administrative Activities and Targeted Case Management Local Government Agency Consortium, and authorize Melissa Best-Baker, HHS' MAA Coordinator, to sign. Motion carried unanimously.

**HHS-BEHAVIORAL  
HEALTH – REDWOOD  
TOXICOLOGY LAB  
CONTRACT**

HHS Senior Management Analyst Melissa Best-Baker said HHS went out to bid for drug testing supplies because of the high cost – last year they cost close to \$20,000. She said HHS has been purchasing supplies from Redwood Toxicology Laboratory for several years and they were the vendor to submit a qualifying bid. Moved by Supervisor Totheroh and seconded by Supervisor Kingsley to: A) award the contract for provision of urine sample collection devices and laboratory services to Redwood Toxicology Laboratory, Inc. of Santa Rosa, CA in the amount of \$60,000; and B) ratify and approve the contract between the County of Inyo and Redwood Toxicology Laboratory, Inc. of Santa Rosa, CA for the provision of urine sample collection devices and laboratory services to HHS' Child Protective Services and Substance Use Disorders programs in the amount of \$60,000 for the period of July 1, 2017 to June 20, 2020, contingent upon the Board's adoption of future budgets; and C) authorize the Chairperson to sign. Motion carried unanimously.

*HHS-BEHAVIORAL  
HEALTH –  
ADDICTIONS  
COUNSELOR III*

Behavioral Health Director Dr. Gail Zwier asked to fill an Addictions Counselor position that became vacant when the previous counselor, who has her Master's and is pursuing licensure, was promoted. Supervisor Kingsley called the employee's educational efforts admirable, and Zwier noted it took a lot of work online and after hours. Moved by Supervisor Pucci and seconded by Supervisor Kingsley for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for one (1) full-time Addictions Counselor III exists in various non-General Fund HHS budgets, as certified by the Interim HHS Director and concurred with by the County Administrator and Auditor-Controller; B) whereas it is unlikely the specialized Addictions Counselor position could be filled by internal candidates meeting the qualifications for the position, an external recruitment would be appropriate to ensure qualified applicants apply; and C) approve the hiring of one (1) Addictions Counselor III at Range 64 (\$3,810 - \$4,630). Motion carried unanimously.

*HHS-SOCIAL  
SERVICES – SOCIAL  
WORKER II, III OR IV*

Behavioral Health Director Dr. Gail Zwier asked to fill a Social Worker position that became vacant when the previous social worker, who also has her Master's and is pursuing licensure, was also promoted. Chairperson Tillemans noted a lot of transition going on in HHS, including with Juvenile Service Redesign, but said it is exciting. Moved by Supervisor Totheroh and seconded by Supervisor Griffith for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for one (1) Social Worker II, III or IV exists in the non-General Fund Social Services budget, as certified by the Interim HHS Director and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates meet the qualifications for the position, the vacancy could possibly be filled through an internal recruitment, but as a State Merit System position, an external recruitment would be more appropriate to ensure qualified applicants apply; and C) approve the hiring one (1) Social Worker – a II at Range 67 (\$4,088 - \$4,962), a III at Range 70 (\$4,391 - \$5,341), or a IV at Range 73 (\$4,709 - \$5,728), depending on qualifications. Motion carried unanimously.

*HHS-SOCIAL  
SERVICES –  
INTEGRATED CASE  
WORKER II*

Behavioral Health Director Dr. Gail Zwier said there is a vacancy in the Employment and Eligibility Division, with the possibility of an internal promotion, which would require the need to recruit to fill that subsequent vacancy. Moved by Supervisor Kingsley and seconded by Supervisor Pucci for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for one (1) full-time Integrated Case Worker II exists in a non-General Fund budget, as certified by the Interim HHS Director and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates meet the qualifications for the position, the vacancy could possibly be filled through an internal recruitment, but as a State Merit System position, an external recruitment would be more appropriate to ensure qualified applicants apply; C) approve the hiring of one (1) Integrated Case Worker II at Range 64 (\$3,810 - \$4,630); and D) if the hiring results in a vacancy of an Integrated Case Worker I, approve the hiring of one (1) Integrated Case Worker I at Range 60 (\$3,471 - \$4,216) through an open recruitment. Motion carried unanimously.

*HHS-SOCIAL  
SERVICES – 2 HUMAN  
SERVICES  
SUPERVISORS*

Behavioral Health Director Dr. Gail Zwier told the Board that two supervisors left at the same time, leaving two vacancies. Moved by Supervisor Griffiths and seconded by Supervisor Totheroh for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for two (2) full-time Human Services Supervisors exists in a non-General Fund budget, as certified by the Interim HHS Director and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates meet the qualifications for the positions, the vacancies could possibly be filled through an internal recruitment, but as State Merit System positions, an external recruitment would be more appropriate to ensure qualified applicants apply; C) approve the hiring of two (2) Human Services Supervisors at Range 70 (\$4,391 - \$5,341). Motion carried unanimously.

*PUBLIC WORKS –  
LETTER SUPPORTING  
ESTA  
HEADQUARTERS  
GRANT*

Public Works Transportation Planner Courtney Smith explained that Eastern Sierra Transit Authority is submitting an application for a very competitive grant that would allow it to construct an approximately 3,000 square-foot operations and maintenance facility at the Bishop Airport, giving it a permanent location and giving the County additional space to use in the terminal building. Supervisor Griffiths said ESTA is long overdue for a proper headquarters and its move would free up a lot of space in the terminal, so the grant application is in everyone's best interest. Supervisor Kingsley said one of the benefits of having a long-term lease at the airport is being able to apply for grants like the one ESTA is seeking. He also discussed the potential for introducing electric vehicles to ESTA's fleet. Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve sending a letter in support of Eastern Sierra Transit Authority's grant application to construct headquarters at the Bishop Airport, and authorize the Chairperson

to sign. Motion carried unanimously.

*HERE IT COMES  
EMERGENCY*

CAO Carunchio told the Board that the Here It Comes Emergency appears to be winding down. He said the next Unified Command meeting scheduled for August 28 will include discussion about the need to continue the emergency. He noted that while there have been significant impacts as a result of the runoff, those impacts have not been greater because of all the work done by local agencies, particularly LADWP crews in an effort to protect city infrastructure. Emergency Management Specialist Kelley Williams said the County has still not heard back from the State regarding its emergency claim, which is still sitting on the Governor's desk for approval. Chairperson Tillemans said LADWP's local maintenance crews and staff sacrificed a lot of time and put in tremendous effort, protecting the valley as LADWP management said they would. He said this past summer saw an incredible by LADWP and other supporting agencies. With LADWP officials in the audience, CAO Carunchio wanted to provide them a chance to talk about their operations, including perhaps the misunderstanding regarding the Bishop Bypass Maintenance Agreement that resulted in the County taking emergency action. LADWP Watershed Resource Supervisor Dave Martin provided some clarification on LADWP's stance. CAO Carunchio said they will work through the issues; the main thing is that homes and lives were protected through the actions in question. Supervisor Kingsley concurred that LADWP's water-spreading efforts have been amazing. Public Works Director Clint Quilter provided an update on County roads. Richard Harasick, LADWP Senior Assistant General Manager for the Water System, said the successful prevention/mitigation of runoff impacts was the result of the combined efforts of all involved agencies. He thanked the County for its support, and noted that for the crews working so many hours, he thinks it will be a once-in-a-lifetime event. Supervisor Pucci noted that with the major runoff threat over, now begins the work to pay for everything, and staff deserves credit for staying on top of it. Moved by Supervisor Totheroh and seconded by Supervisor Pucci to continue the local emergency known as the "Here It Comes Emergency" that was proclaimed in anticipation of run-off conditions from near-record snowpack posing extreme peril to the safety of property and persons in Inyo County. Motion carried unanimously.

*ROCKY ROAD  
EMERGENCY*

Moved by Supervisor Kingsley and seconded by Supervisor Pucci to continue the local emergency known as the "Rocky Road Emergency" that was proclaimed as the result of flooding, mud, and rock landslides and deep snow drifts over portions of Inyo County caused by an atmospheric river weather phenomena that began January 3, 2017 and continued throughout February. Motion carried unanimously.

*LAND OF EVEN LESS  
WATER EMERGENCY*

Moved by Supervisor Kingsley and seconded by Supervisor Pucci 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 existed until recently in the County, while considering how to address the ongoing hydrologic issues in West Bishop. Motion carried unanimously.

*GULLY WASHER  
EMERGENCY*

Public Works Director Clint Quilter said Trona-Wildrose Road, damaged by the Gully Washer Emergency, is now open. He said the next time the Board hears about it will be after the County has been reimbursed for the rehabilitation work and he recommends ending the emergency. Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to continue the local emergency known as 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.

*DEATH VALLEY DOWN  
BUT NOT OUT  
EMERGENCY*

Moved by Supervisor Kingsley and seconded by Supervisor Pucci to continue the local emergency known as the "Death Valley Down But Not Out Emergency" that was proclaimed as a result of flooding in the central, south and southeastern portion of Inyo County during the month of October, 2015. Motion carried unanimously.

*CORRESPONDENCE-  
ACTION – LONE PINE  
CSD ELECTIONS*

Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to approve the re-scheduling of Lone Pine Community Services District Governing Board Elections from odd-numbered years to even-numbered years in accordance with Elections Code 1303(b) and Senate Bill 415 (2015-2016 Regular Session), and approve the consolidation of the District's Governing Body Elections with the Statewide General Election pursuant to Elections Code 10404. Motion carried unanimously.

*RECESS/RECONVENE*

Chairperson Tillemans recessed the meeting at 10:40 a.m. and reconvened the meeting at 10:47 p.m. with all Board members present.

*PRESENTATION –  
OVMAP/PUBLIC  
HEALTH – WEST NILE  
VIRUS RESPONSE*

Staff from the Owens Valley Mosquito Abatement Program and Public Health began a presentation to update the Board and public on the status of mosquito control efforts, including the monitoring of and responses to West Nile Virus. HHS Deputy Director – Public Health Anna Scott said mosquito samples tested positive for West Nile Virus in Bishop and Lone Pine, and there has been one probable human case of WNV fever in Bishop and two to three additional suspected cases. She said the individual with probable WNV fever has recovered. Statewide, 28 counties have reported WNV-positive mosquito samples and four counties have reported human cases. Scott said that while most human cases are comparatively mild – she clarified that the symptoms are still far from pleasant – there are fewer than 1% than can turn into serious neurological illnesses. She said Public Health has been working with OVMAP to get information out to health care providers, and Public Health submitted a mutual aid request to the State but was informed Inyo County has not yet risen to the level of a public health emergency. She said they are looking for other sources to help fund needed aerial applications to control the mosquito populations. Ag Commissioner and OVMAP Director Nate Reade said LADWP’s historic water spreading efforts in response to the excessive runoff (the Here It Comes Emergency) were great for the valley in many ways, but also created unprecedented and inaccessible mosquito habitat and record mosquito populations, with traps near population centers recording four and five times the amount of mosquitoes set by previous records. He reported that mosquitoes are being born in the Pleasant Valley area at a rate of 3.2 billion a night. He said Inyo County has been at an epidemic risk level longer than any other county in California. He said OVMAP resources are just not sufficient to do needed aerial applications. CAO Carunchio reminded everyone that the Governor’s proclamation of a State of Emergency in Inyo County is still forthcoming and if made, would allow Inyo County to access possible FEMA resources. Supervisor Kingsley took issue with the notion that the State is waiting for a public health emergency to provide aid, while in the meantime the mosquitoes are able to keep breeding at rapid rates. Reade said he agreed completely, that they are trying to prevent disease, not react afterward. He said current pesticide applications work well in the short-term, but do not eradicate the mosquitoes in the larva stage. He also said that if positive WNV test results were to be found simultaneously in three or four traps around the valley, OVMAP would not have the resources to respond all at once – if they can access the areas. Reade said he requested LADWP assistance with aerial applications, and was asked to provide a work plan with specifics, which he provided yesterday. He said he is hoping to hear back as soon as possible, as the applications need to be expedient in order to derive any public health benefits. Anselmo Collins, LADWP Director of Water Operations, said LADWP did receive the additional information requested and will be providing the funding for aerial applications. He said he has directed his staff to expedite matters as he recognizes time is of the essence. Supervisor Pucci said the County needs to continue pursuing the Governor’s proclamation for both Inyo and LADWP, both of whom can be reimbursed for their costs associated with the Here It Comes Emergency. Supervisor Pucci asked just how many people need to get sick before the situation rises to the level of a public health emergency in the eyes of the State. Public Health Officer Dr. James Richardson said the CDC currently categorizes Inyo County as having a high threat level and recommends aerial spraying. He said of 100 patients who might get infected, 80 percent will not have any symptoms, fewer than 1% will develop a neurological illness, and of those, 10% may die. Supervisor Griffiths asked for clarification that the aerial applications don’t actually involving spraying of pesticides. Reade said the pesticide is a clay granule that disrupts the feeding mechanism so the mosquitoes can never reach the adult stage. He said the granules are benign and natural, and have the added advantage of a 30- to 60-day residual effect, which should last through the rest of the season until cooler weather prevents additional hatches. Chairperson Tillemans opened the floor to public comment. Earl Wilson of Lone Pine said the mosquito problem in Lone Pine was particularly bad about 10 days ago and then cleared up a few nights ago, and thanked Reade for the improvement. He also suggested including the mosquito epidemic in the Here It Comes Emergency. CAO Carunchio clarified that the mosquito epidemic and profusion of invasive weeds were both added to the Here It Comes Proclamation on June 27. Chairperson Tillemans thanked LADWP for its offer to pay for the aerial applications and coordinating with staff for the safety of citizens and visitors.

*COUNTY  
COUNSEL/CAO –  
CONDEMNATION OF  
LANDFILLS/RESO #'S  
2017-38, 2017-39,  
2017-40*

County Counsel Marshall Rudolph reviewed for the Board the process that would be unfolding: a hearing and consideration and possible adoption of Resolutions of Necessity that would allow for the County to proceed with eminent domain actions to obtain the properties where the Bishop, Independence, and Lone Pine landfills are located. He emphasized that the County is already operating landfills at the sites and plans to continue doing so, and nothing about condemning the properties would change that. Assistant County Administrator Rick Benson gave an overview of the reasons the County finds it necessary to obtain ownership of the landfill

sites. He cited protracted, multi-year lease negotiations with LADWP that resulted in no fewer than 50 changes to the Bishop landfill lease which the County finds onerous and impediments to doing business and meeting the requirements of State regulatory agencies in a timely manner. He said the County felt forced to accept the lease terms so that it could continue to operate the landfill, which it is required to do by law. He also noted that the leases for the Independence and Lone Pine landfills expired long ago and the Bishop lease negotiations, which took years, will come up again in just three years. He explained LADWP would only agree to a three-year lease, which makes obtaining grants prohibitive but also conflicts with the another legal requirement that the County have a 15-year plan for disposing of waste, as does the lease provision that allows LADWP to terminate the lease with 180 days' notice for any reason whatsoever. Benson also said the lease will quadruple the County's rent, as if LADWP is looking at the landfill as a profit center and taking a per-ton cut of the action. Benson noted that in reality, the County loses money operating its landfills – which, again, are a public service it is obligated to provide – and must dip into the General Fund to cover deficits. He also cited lease provisions that require LADWP's approval of everything from signage to fencing, and mandate LADWP intervention when the County deals with CalRecycle or Lahontan even at the most elementary level. Benson described CalRecycle and Lahontan as two monster-sized regulatory agencies who will not be going away and who the County will still have to answer to regardless of who owns the landfills. Benson also reviewed for the Board what it would take to close the existing landfill and open a new one – essentially, seven years, \$17 million and significant acreage. Supervisor Kingsley suggested there would be no land available on which to place a new landfill other than land owned by LADWP. Supervisor Griffiths said shipping waste out in the seven-year interim would be prohibitively expensive. Benson said the bottom line is the County cannot continue its lease with LADWP if it is to provide citizens with a reliable place to dispose of their waste. Kevin Lalley, outside counsel for the County specializing in issues of eminent domain, said the Board's sole purpose today is to consider adopting a Resolution of Necessity for each of the three landfills mentioned. He said doing so is the first step in the eminent domain process and requires the Board to making certain findings if it believes there is sufficient information that allows it to make those findings: 1. Public Interest and Necessity require the proposed project; 2. The project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury; 3. The properties sought to be acquired are necessary for the project; and 4. The offer of compensation required by Section 7267.2 of the Government Code has been made to the owner or owners of record (LADWP); and 5. Because there is a claim that this is property that is currently in a public use, the acquisition and use of the land for this landfill project is more necessary than the existing use – whichever that is – that LADWP is making of the land. Chairperson Tillemans opened the hearing at 11:35 a.m. Richard Harasick, Senior Assistant General Manager of Water for LADWP, said the ongoing use of the landfills is necessary and beneficial to Owens Valley residents and their proper operation is critical to maintaining and protecting the environment, including adjacent lands and the watershed. He said while LADWP counsel would be momentarily addressing legal inadequacies in the County's argument, he was in attendance to directly convey LADWP's offer to sell its leased landfill properties in Bishop, Independence, and Lone Pine so that the County could continue operating them as landfills under its own ownership. He said the offer was already made to the CAO and the terms are simple: the price should be very fair to Inyo County – he said LADWP is not out here to profit from the sale – and LADWP would also guarantee a reliable source of water in sufficient quantity at Bishop-Sunland Landfill. Harasick said Independence and Lone Pine already have a municipal source. He said LADWP cannot legally sell or otherwise give away its water rights, but would ensure all the water necessary to operate the landfill. He asked the Board to defer today's proceedings and direct staff to engage in meaningful discussions for the purchase of the landfill properties, or at the very least delay the condemnation process to accommodate such negotiations. He said LADWP is also ready to partner with Inyo County to pursue the development of a modern landfill that meets all current standards outside of the watershed and allows for additional economic development, and is also necessarily ready to partner on the closure of the landfills. Chairperson Tillemans said the Board has a letter in which LADWP refused the County's offer to purchase the properties in July. Harasick said today he is publicly stating LADWP's willingness to sell and he would back it up in writing. CAO Carunchio told the Board he informed Harasick last week that in order for the County to consider LADWP's offer, it would need to see detailed specifics in writing, such as the proposed price and the mechanism by which the City's water rights could be committed to the County to provide necessary assurances of being able to operate the landfills in regulatory compliance. Chairperson Tillemans asked Harasick whether that information was ready to be presented and Harasick said LADWP would be doing its own appraisal and offering options to guarantee the water. John Murphy, outside counsel for

LADWP specializing in eminent domain issues, noted the 8.5-page letter he sent to the Board yesterday afternoon in which he listed LADWP's objections to the eminent domain process. He offered to answer any questions about any of the points made in the letter, and said he wanted to make five additional points in response to comments made today and that the five points are pretty important: 1. All three landfills have operated for several decades, so where is the requirement for government seizing private property if the project is merely continuation of an existing use? 2. The County does need water to operate a landfill, and for the last 52 years LADWP has provided it without any indication that it would stop providing it; 3. Operating a landfill through landlord-lessee relationship is inconvenient, but so is operating a landfill in compliance with the law – which is LADWP's only interest in the matter for the sake of the watershed; 4. While it's true this is just one step in the process, the three resolutions authorize the institution of litigation which makes it the kind of step you don't want to take if people are willing to negotiate; and 5. (He did not cite a fifth point.) He said if both sides are willing to negotiate then it might make sense to defer action to allow time for negotiations. Supervisor Kingsley pointed out that Murphy's letter was received at 2:20 p.m. yesterday. Chairperson Tillemans noted that the County initiated condemnation action in March. He also asked for clarification as to whether adopting the resolutions directs or authorizes litigation. County Counsel Rudolph said the adoption authorizes litigation and there is no particular pace at which litigation has to be filed and pursued. He said if the Board adopts the resolutions it can proceed on a separate track to see if negotiations are possible, because that is always preferable, but one does not foreclose on the other. Sally Manning, Environmental Director for the Big Pine Paiute Tribe, asked whether LADWP is considered a public or private entity since the County is pursuing eminent domain. Earl Wilson of Lone Pine encouraged the County to explore negotiations but proceed with eminent domain to keep the pressure on LADWP to be a partner in the Owens Valley as it advertises it is. He also reminded LADWP that it is a major contributor to the local landfills. County Counsel Rudolph pointed out for the record that the County believes the proposed condemnation is exempt under CEQA on at least two grounds, one of which is Class 1 for ongoing operations of existing operations, also referred to as the Common Sense Exemption. He said if the use is not changing there is no impact. Lalley said the question is not whether LADWP is a public entity but whether it is putting the property to a public use, and noted that California has granted the County the authority to claim the property for a more necessary public use. Chairperson Tillemans closed the hearing at 11:55 a.m. Supervisor Griffiths thanked Harasick for the offer and said the Board and staff can discuss its merits under Real Property Negotiations in future closed sessions. He said he didn't believe adopting the Resolutions of Necessity today would impact those discussions. He also said the timing of the offer is telling, and indicates to him the County is on the right track. He said the relationship with LADWP over operation of the landfill has become extremely difficult and while he hopes it can be improved and there can be smooth negotiations, it appears the best way to operate the landfills for the health and safety of citizens and the environment is under County ownership, thus he is in favor of proceeding on the dual track mentioned by County Counsel. Supervisor Kingsley said it's hard to understand how the County can try to negotiate a landfill lease with LADWP for literally years and then 12 hours before the eminent domain hearing LADWP sends a letter offering a solution. He said the County can't stop a process that's actually starting to get results just because it receives an offer a few minutes before taking a vote. He said the County wants to be good neighbors but also can't be held hostage by the City. Supervisor Pucci said he agrees with everything said, including Murphy's statement that nobody but the lawyers win in litigation. But he said landfills are a different matter because they are a public safety issue, and giving the County only a three-year lease with a 180-day termination clause is not acceptable, nor is having a lessor's excessive demands on top of State and Federal regulations. He said with the current lease, if CalRecycle tells the County to put up a sign up, it will have to ask LADWP's permission first and the request will have to go through eight different floors of review at Los Angeles headquarters. He said the County doesn't have that kind of time to wait when it's answering to State regulators. He said he is a big believer in working together, but is in favor of adopting the resolutions while also pursuing possible negotiations. Supervisor Totheroh said he hoped the County could consider the offer in the right setting, but in the meantime should move ahead with the resolutions as there certainly is a public health issue involved. He said it took far too long to get a lease for just one of the landfills, and it represented the only time he has had to vote for something he didn't agree with, under duress. He said the 180-day termination clause – when it takes seven years to build a new landfill – is unacceptable. Chairperson Tillemans said it's not about whether lawyers win, but whether the County can operate its landfills as legally required, for the health and safety of its public, under LADWP's ownership. He said he looked forward to continued discussions with LADWP. Moved by Supervisor Pucci and seconded by Supervisor Griffiths to approve Resolution No. 2017-38, titled, "A Resolution of the Board of

Supervisors of the County of Inyo, State of California, Authorizing the Condemnation of Property for Continued Landfill Purposes – Bishop-Sunland Landfill, 110 Sunland Reservation Road, Bishop.” Motion carried unanimously. Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to approve Resolution No. 2017-39, titled, “A Resolution of the Board of Supervisors of the County of Inyo, State of California, Authorizing the Condemnation of Property for Continued Landfill Purposes – Independence Landfill, 250 Dump Road, Independence.” Motion carried unanimously. Moved by Supervisor Kingsley and seconded by Supervisor Pucci to approve Resolution No. 2017-40, titled, “A Resolution of the Board of Supervisors of the County of Inyo, State of California, Authorizing the Condemnation of Property for Continued Landfill Purposes – Lone Pine Landfill, 450 Substation Road, Lone Pine.” Motion carried unanimously.

*RECESS FOR  
LUNCH/CLOSED  
SESSION*

Chairperson Tillemans recessed the meeting at 12:12 p.m. for lunch and to convene in closed session with all Board members present at 1 p.m. to continue discussion and possible action as appropriate on previously noted closed session items. Chairperson Tillemans recessed closed session and reconvened the meeting in open session at 1:39 p.m. with all Board members present. No action was taken during closed session that is required to be reported.

*BOS – KINGSLEY –  
UPDATE ON ALABAMA  
HILLS LEGISLATION*

Kevin Mazzu introduced himself as a representative of the Alabama Hills Stewardship Group and more than 30 stakeholders, including Friends of the Inyo. He said the Board of Supervisors is one of the Stewardship Group's top longtime supporters as well. Mazzu reported on two new pieces of legislation that have been introduced this year in the House and Senate, respectively, by Congressman Paul Cook and Senator Dianne Feinstein that include language to designate the Alabama Hills a National Scenic Area. He said the language currently included in the Senate bill is outdated and Feinstein's staff has committed to updating it so it matches the language in Cook's bill. He said he is asking for the Board's endorsement of the specific portions of both bills relating to the Alabama Hills designation, which he noted the Stewardship Group has been lobbying for for nine years. There was discussion about how the Board could help expedite efforts, and about the politicized nature of the process. Given the length of time that has passed, Mazzu suggested the Board dial-up the rhetoric in any support letters. He said the Hills group is trying to highlight and emphasize the point that these legislators' constituency is wholly supportive of the National Scenic Area designation. Mike Prather, speaking on behalf of the Friends of the Inyo, thanked Mazzu for his nine years of work on the designation, which he said the Friends organization continues to support. He said the Board needs to be a broken a record, expressing the County's frustration at the process taking so long. Chairperson Tillemans said the squeaky wheel approach is good advice and noted the Hills designation was the number one talking point for himself and other County officials who visited D.C. in late June. Supervisor Pucci asked about the possibility of the Hills designation being featured in a stand-alone bill and was told Feinstein has made it crystal clear she will not sponsor such legislation. Supervisor Pucci said he personally asked Congressman Cook the question and was told the Hills designation is viewed as the perfect chip to add to other bills because it has 100 percent support. Discussion continued and Supervisor Kingsley said, with the language synced in both bills, the Board should send letters of support and take advantage of the opportunity that's been presented, after years of continual pressure by Mazzu and advocacy efforts by himself and others. Mazzu said getting legislation passed is all about relationships and right now the Hills group has the best relationship it's ever had with the players at the federal level and is trying to leverage those relationships while Supervisor Kingsley is trying to establishing new ones. He said strategizing is useless because anything can change without notice. Earl Wilson of Lone Pine told the Board the legislation also includes proposed additions to wilderness areas in Southeastern Inyo County. Supervisor Griffiths suggested giving staff time to explore the issue and review draft language for support letters provided by Mazzu specific to the Alabama Hills. The Board directed staff to research the language and any other portions of the bills that might affect the County, and return at an upcoming meeting with proposed letters of support.

*PUBLIC COMMENT*

Earl Wilson of Lone Pine renewed a complaint from August 1 regarding flashing LED signs being installed by local businesses and said another one was installed since the last meeting. Supervisor Griffiths asked whether Wilson has contacted the Lone Pine Architectural Review Board and he said the Review Board has no record of it. Wilson also revisited the landfill/ eminent domain discussion from earlier, noting that LADWP is an expert at grabbing up land and just used eminent domain on more than 50 parcels a couple of years ago. He also questioned the objectivity of LADWP's eminent domain expert because he kept referring to LADWP Water System Senior Assistant General Manager Richard Harasick as "Rich" when he addressed the Board.



**BOARD MEMBER AND  
STAFF REPORTS**

Supervisor Pucci reported he will be out of town until the next Board meeting in September.

Supervisor Totheroh said he will be attending a meeting of the Local Transportation Commission tomorrow.

County Counsel Marshall Rudolph said he will be out of town next week.

CAO Carunchio said summer has gone by way too quickly and he looks forward to seeing the Board on September 5, at which time Budget Hearings will be convened. He said the Recommended Budget is scheduled to be published Friday, August 25 and posted to the County website thereafter.

**ADJOURN**

Chairperson Tillemans adjourned the meeting at 2:19 p.m. to 8:30 a.m. Tuesday, September 5, 2017 in the County Administrative Center in Independence.

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Chairperson, Inyo County Board of Supervisors

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

by: \_\_\_\_\_  
*Darcy Ellis, Assistant*