Resolution No. 99-43

A RESOLUTION OF THE INYO COUNTY BOARD OF SUPERVISORS AFFIRMING A POLICY CONCERNING THE EXTRACTION AND USE OF INYO COUNTY'S WATER RESOURCES, ESTABLISHING POLICIES AND PROCEDURES TO IMPLEMENT THIS POLICY AND TO GOVERN THE COUNTY'S PERFORMANCE OF ITS DUTIES AND RESPONSIBILITIES UNDER THE INYO COUNTY/LOS ANGELES LONG TERM WATER AGREEMENT, FINAL ENVIRONMENTAL IMPACT REPORT, MEMORANDUM OF UNDERSTANDING AND ORDINANCE NO. 1004

(Adopted July 27, 1999)

RESOLUTION NO. 99-43

TABLE OF CONTENTS

PART 1

Background		1

PART 2

SECTION I	Policy on Extraction and Use of Water	5
SECTION II	Repeal of Prior Resolutions	5
SECTION III	Inyo County Water Commission	5
A.	Purpose	5
B.	Qualifications	7
C.	Appointment	7
D.	Current Members	7
E.	Vacancies and Removal	7
F.	Terms of Office	8
G.	Compensation	8
H.	Chairman and Vice-Chairman	8
I.	Meetings	8
J.	Expenditures	8
K.	Procedural Requirements	8
L.	Conflict of Interest	8
M.	Advisory Committee	9
SECTION IV	Inyo County Water Department	9
A.	Purpose	9
B.	Staff	10
SECTION V	Inyo County Public Works Department	10
SECTION VI	Inyo County Planning Commission and Inyo County Planning Department	10
SECTION VII	Inyo County Department of Parks and Recreation	10

SECTION VIII	Funding and Expenditures	10
A.	Funding Administration	10
B.	Water and Environmental Activities	11
C.	Salt Cedar Control Fund	11
D.	Park and Recreation Maintenance	11
E.	Park Rehabilitation and Development	12
F.	Owens Valley Cooperative Studies Fund	12
G.	Funding for the Lower Owens River Project	12
H.	Funding for Special Projects	12
SECTION IX	Board of Supervisors	
A.	Supervision of Implementation of County Water Policy	12
B.	Determination of Inyo County Standing Committee Vote	12
SECTION X	Technical Group	13
SECTION XI	Standing Committee	13
SECTION XII	Legislative Coordination	13

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PART I

WHEREAS, in 1913, the City of Los Angeles completed an aqueduct from Owens Valley to the city. The aqueduct had a capacity of 480 cubic feet per second (cfs). In 1970, a second aqueduct with a capacity of 300 cfs was completed and began operating, bringing the total capacity of the aqueduct system to about 780 cfs. Los Angeles' operations to supply water to the second aqueduct, including the pumping of groundwater in Owens Valley, led to the commencement of litigation in 1972 by Inyo County against Los Angeles; and

WHEREAS, in the litigation, the County stated that Los Angeles' increased groundwater pumping was harming the environment of Owens Valley and sought a court order requiring that the practice be analyzed in an Environmental Impact Report (EIR) in accordance with the provisions of the California Environmental Quality Act (CEQA). In 1973, the Court of Appeal for the Third Appellate District ruled that Los Angeles must prepare such an EIR. Los Angeles prepared an EIR in 1976 and another in 1979, but the Appellate Court found both to be legally inadequate; and

WHEREAS, in 1980, the Inyo County Board of Supervisors drafted, and the Inyo County voters passed, "An Ordinance to Regulate the Extraction of Groundwater Within the Owens Valley Groundwater Basin" (Ordinance). The Ordinance called for the regulation of groundwater pumping in the valley in accordance with a groundwater management plan to be implemented through a groundwater pumping permit procedure. A primary purpose of the Ordinance was to protect the environment, citizens and economy of the Owens Valley from adverse effects resulting from the extraction and use of its water resources; and

WHEREAS, the Ordinance established the Inyo County Water Commission and the Inyo County Water Department; and

WHEREAS, by Resolution 80-126, adopted in December 1980, this Board provided for the appointment, compensation and meetings of the Inyo County Water Commission, and thereafter appointed the five members of the commission; and

WHEREAS, in 1982, the County, Los Angeles and its Department of Water and Power (DWP) entered into a Memorandum of Understanding (MOU) which created a Technical Group and a Standing Committee to work together to resolve disputes between the parties. The MOU provided that the County's representatives to the Technical Group would be County staff members, and that the County's representatives to the Standing Committee would be at least one County supervisor, no more than two Water Commissioners, and three County staff members; and

WHEREAS, in July 1983, as a result of litigation commenced by Los Angeles and DWP, the Inyo County Superior Court in case number 12908 issued an opinion that found the Ordinance unconstitutional, invalid and preempted by law and that enjoined the implementation of the Ordinance. Pursuant to stipulation of the parties, neither an injunction, nor a final judgment based on the Court's opinion has been entered in the Superior Court; and

WHEREAS, in 1983, following the Superior Court's decision invalidating Inyo County's Ordinance, the County and Los Angeles began an attempt to develop a groundwater management plan whose purpose would be to settle the litigation between the parties. In April 1984, Inyo County and Los Angeles approved a five-year interim agreement. In this interim agreement the two parties agreed to:

- settle then existing property tax litigation between Inyo County and Los Angeles;
- temporarily suspend the Superior Court's judgment, and hence Inyo County's appeal, concerning the invalidity of the Ordinance;
- temporarily suspend litigation on Inyo County's CEQA proceeding in the Court of Appeal and mandatory court-imposed pumping restrictions by substituting jointly developed annual pumping programs and jointly prepared environmental assessments;
- lease Owens Valley town water systems to Inyo County, which would result in a reduction in water rates;
- conduct cooperative studies, together with impartial third parties, including the United States Geological Survey;
- implement certain enhancement/mitigation projects;
- provide financial assistance to Inyo County from Los Angeles to cover the costs of various studies and the County's water-related activities;

- negotiate a long-term groundwater management plan;
- resume the Appellate Court CEQA litigation and the Superior Court litigation over the Ordinance's validity if the parties did not develop and adopt a long-term groundwater management plan for Owens Valley; and

WHEREAS, in December 1984, the Appellate Court allowed Los Angeles and Inyo County to implement the interim agreement. However, the Court specifically explained that its order to prepare an EIR remained in effect and that, if Inyo County and Los Angeles were to agree on a long-term groundwater management plan, the plan would have to be analyzed in Los Angeles' third EIR, together with Los Angeles' operations to supply water to its second aqueduct; and

WHEREAS, by Resolution 85-2, adopted in January 1985, this Board adopted policies and procedures to govern Inyo County's performance of its duties and obligations under the interim agreement. This resolution modified the role of the Inyo County Water Commission from that specified in Resolution 80-126; and

WHEREAS, in August 1989, Inyo County, Los Angeles and DWP reached preliminary agreement on long-term water management and began the preparation of a final environmental impact report (FEIR) on the plan and on Los Angeles' operations to supply water to its second aqueduct; and

WHEREAS, since reaching the preliminary agreement in 1989, Inyo County and DWP have managed the water resources of the Owens Valley in accordance with the provisions of the long-term water management agreement (Long Term Agreement or Agreement). As provided in the Agreement, the Technical Group and the Standing Committee represent the parties in the implementation of the Agreement; and

WHEREAS, in October 1991, this Board approved the Long Term Agreement and certified the FEIR on the Agreement. Also, in October 1991, Los Angeles and DWP approved the Agreement and the FEIR. Los Angeles presented the FEIR to the Appellate Court, together with requests that the Court find the FEIR adequate and that it discharge the order requiring the preparation of an FEIR; and

WHEREAS, in January 1993, the Appellate Court declined to discharge its order requiring the preparation of an FEIR and sought the views of certain state agencies, environmental groups and an individual as amicus curiae concerning the adequacy of the FEIR; and

WHEREAS, in June 1993, the Standing Committee adopted a "Statement of Intent" which provided procedures to be followed by Inyo County and Los Angeles "until such time as the Appellate Court discharges its Writ." In January 1994, this Board adopted Resolution No. 94-6, which established policies and procedures for implementing the Inyo County's water policy and to govern the County's performance of its duties and responsibilities under the Agreement and the Statement of Intent; and

WHEREAS, by Resolution 94-6, adopted in January 1994, this Board reaffirmed its policy concerning the extraction and use of the County's water resources, adopted policies and procedures to implement the policy and to govern Inyo County's performance of its duties and obligations under the Standing Committee's Statement of Intent and under the Long Term Agreement. This resolution modified the role of the Inyo County Water Commission from that specified in Resolutions 80-126 and 85-2; and

WHEREAS, in February 1997, Inyo County, Los Angeles, and DWP reached a settlement agreement, titled a "Memorandum of Understanding" (MOU), with the California State Lands Commission, the California Department of Fish and Game, the Sierra Club and the Owens Valley Committee which resolved their concerns over the adequacy of the FEIR. On June 2, 1997, the Appellate Court granted a motion by Los Angeles and Inyo County, which was based on the MOU, and ended the litigation over the FEIR. On June 13, 1997, the Long Term Agreement was entered as a final order by the Inyo County Superior Court. These actions allowed the full implementation of the Long Term Agreement, the mitigation measures contained in the FEIR, and the provisions of the MOU; and

WHEREAS, by Resolution 97-82, adopted in November 1997, this Board reaffirmed its policy concerning the extraction and use of the County's water resources, adopted policies and procedures to implement the policy and to govern Inyo County's performance of its duties and obligations under the Long Term Agreement, the Final EIR and the MOU. This resolution repealed Resolutions 80-126, 85-2; and 94-6; and

WHEREAS, on October 27,1998, this Board adopted Inyo County Ordinance No. 1004 which, through a conditional use permit procedure administered by the County Planning Commission, with recommendations from the Water Commission in water related areas, regulates:

1. Any water transfer from the unincorporated area of Inyo County undertaken pursuant to Water Code Section 1810 et seq.
2. Any sale to the City of Los Angeles, or an acquisition by the City of Los Angeles by means other than a sale, of surface water or groundwater extracted or diverted from within Inyo County.
3. Any transfer or transport of groundwater extracted from a groundwater basin located in whole or in part within the boundaries of Inyo County, for use in an area outside of the groundwater basin.
4. Any transfer or transport of groundwater extracted from within Inyo County from a groundwater basin partially located within Inyo County, for use in an area within the same basin, but outside the boundaries of Inyo County.

WHEREAS, in the fall of 1998, this Board conducted two public workshops concerning the future role of the Water Commission; and

WHEREAS, the intent of this resolution is to reaffirm the County's policy on the extraction and use of water, to set forth policies and procedures for the implementation of this policy, and policies and procedures that will govern the County's performance of its responsibilities under the Inyo County/Los Angeles Long Term Water Agreement, the Final Environmental Impact Report, the Memorandum of Understanding and Inyo County Ordinance 1004, including the role of the Water Commission with regard to such matters.

PART 2

NOW, THEREFORE, BE IT RESOLVED that, in consideration of the circumstances described in Part 1, this Board establishes the following policies and procedures to protect the County's environment, citizens and economy from adverse effects resulting from the extraction and use of the County's water resources and to govern the County's performance of its duties and responsibilities under the Long Term Agreement, FEIR, MOU and Ordinance No. 1004.

SECTION I. Policy on Extraction and Use of Water

The County of Inyo hereby reaffirms the policy set forth in the Ordinance adopted by the voters in 1980. That policy is to protect the County's environment, citizens and economy from adverse effects caused by activities relating to the extraction and use of water resources and to seek mitigation of any existing or future adverse effects resulting from such activities.

SECTION II. Repeal of Prior Resolutions

Inyo County Resolutions 80-126, 85-2, 94-6 and 97-82 are hereby repealed.

SECTION III. Inyo County Water Commission

A. Purpose

The purpose of the Inyo County Water Commission is to assist in the implementation of the County Policy on Extraction and Use of Water, Agreement, FEIR, MOU and Ordinance No. 1004 as set forth below.

1. Remain informed and educated about issues relating to water resources.

2. Conduct meetings to inform and educate the public about, and to solicit public opinion on, all issues, decisions, projects, programs and activities arising out of, or associated with, the Agreement, the FEIR, the MOU, and the transfer and transport of water regulated by Ordinance No. 1004.

3. Continuously review implementation of the Agreement, the FEIR, the MOU, and any transfer or transport of water regulated by Ordinance No. 1004 and submit periodic written recommendations or advice to this Board, together with reports on the views of the public, concerning issues, decisions, projects, programs and activities arising out of, or associated with, the implementation of the Agreement, the

FEIR, the MOU, and any transfer or transport of water regulated by Ordinance No. 1004. At least every six months, the commission shall submit written recommendations, advice and reports to the Board, and/or present such recommendations, advice and reports to the Board at a workshop.

4. Evaluate, the hydrogeological and related environmental impacts of any proposed transfer or transport of water regulated by Ordinance 1004, and based upon the evaluation, identify and develop recommended mitigation measures, project conditions, a monitoring, groundwater management and/or reporting program, and proposed findings, and submit these recommendations to the County Planning Commission.

5. Serve, as required by Section 15.12.040 of the Inyo County Code, as the environmental review board and lead environmental agency for the purpose of the California Environmental Quality Act on all projects permitted, carried out, approved, funded or processed by the Water Department. Such projects include, but are not limited to, the Lower Owens River Project, enhancement/mitigation projects undertaken pursuant to the Long Term Agreement, mitigation projects adopted in the FEIR, groundwater pumping by the City of Los Angeles under the Long Term Agreement, and salt cedar control, other invasive plant control, and weed control undertaken pursuant to the Long Term Agreement. The environmental responsibilities of the Commission do not include serving as the environmental review board or lead agency in regard to the issuance of a conditional use permit pursuant to Ordinance 1004, the release of any land pursuant to the Long Term Agreement, the rehabilitation and development of parks pursuant to the Long Term Agreement, or the transfer of town water systems under the Long Term Agreement.

6. Conduct meetings, as may be requested by this Board, inform and educate the public about, and to solicit public opinion on, water resource issues and decisions which arise outside of the Agreement, the FEIR, and the MOU;

7. Submit, as may be requested by this Board, recommendations or advice, together with reports on the views of the public, concerning water resource issues and decisions which arise outside of the Agreement, the FEIR, the MOU and Ordinance 1004;

8. Designate two members of the commission to serve on the Standing Committee.

9. The responsibilities of the Water Commission do not extend to the implementation of the provisions of the Agreement for the Transfer of the Town Water Systems (Section XI) the Release of City Owned Lands (Section XV), nor to the implementation of provisions of the Agreement for Park Rehabilitation, Development, and Maintenance (Section XIV. B). These responsibilities are delegated to other commissions and departments of the County as set forth below.

For informational purposes, the Water Commission is to receive copies of any status reports concerning these activities that may be presented to the Board of Supervisors.

B. Qualifications

The Inyo County Water Commission shall consist of five members all of whom shall be residents of Inyo County. Members of the commission need not have particular professional training, skills or experience, but commission members should have knowledge of the problems and issues arising from the extraction and use of the water resources of the Owens Valley and Inyo County.

C. Appointment

This Board shall appoint members of the Inyo County Water Commission. Except as provided below, members of the Commission shall serve for a four-year term. In selecting members of the commission, this Board shall attempt to appoint applicants who reside throughout the Owens Valley and Inyo County.

D. Current Members

Each member currently serving on the Inyo County Water Commission may continue to serve on the commission for the unexpired portion of that member's term and until a successor has been appointed. Current and future members of the commission may seek reappointment to the commission upon the expiration of their terms.

E. Vacancies and Removal

Any member of the commission who fails to attend three consecutive commission meetings without good cause shall be considered automatically removed from the commission and a vacancy shall be deemed to have occurred. This Board shall be the sole judge as to whether good cause is shown. A Water Commissioner shall be considered a county officer within the meaning of Section 1770 of the Government Code of the State for determining when a vacancy occurs other than as provided above.

Any member of the commission may be removed by this Board with the approval of three members of this Board. A decision on whether to remove a commissioner shall only be made by vote of this Board during a regular public meeting of this Board.

Upon the creation of a vacancy on the commission, and two months prior to the expiration of the term of office of a commission member, the Board Clerk shall notify the public by news release, publication and other means that this Board is seeking qualified applicants to serve on the commission. Applicants shall submit their names, addresses and telephone numbers along with brief resumes of their qualifications and experience to the Board Clerk within the time period specified by the Board Clerk. This Board shall endeavor to appoint, or to reappoint, commissioners within thirty days after the close of the period for submitting applications.

F. Terms of Office

A vacancy that occurs other than by the expiration of a term shall be filled by appointment of this Board for the unexpired portion of the term. Terms shall expire at midnight on December 31, however, members may continue to serve on the commission after the expiration of their terms until this Board has appointed a successor.

G. Compensation

Members of the Water Commission shall receive $75.00 per commission meeting, and per attendance at any water related meeting, conference or seminar, unless otherwise authorized by order of this Board, plus reimbursement for mileage, traveling and other expenses usually allowed by the County. Compensation paid to any one member for attending meetings of the commission (exclusive of reimbursement for travel, mileage and other expenses) shall not exceed $2,000.00 in any one fiscal year without prior approval of this Board.

H. Chairman and Vice-Chairman

At its first meeting in each calendar year, the Water Commission shall elect for a term of one year a chairman and a vice-chairman from among its members. In the event of a vacancy in the office of chairman or vice-chairman, the Water Commission may elect one of its members to fill such vacancy for the remaining unexpired portion of the term.

I. Meetings

The commission shall hold such regular meetings at such times and in such locations as is determined by the commission members. Regular meetings shall be conducted at least every two months unless the commission members determine that a meeting within a two-month period is not necessary. The commission may hold such additional and special meetings as may be called by the commission chairman or by any three members of the commission upon seventy-two hours' notice by the secretary of the commission and after giving any required notice to such newspapers, radio stations and television stations as have made written request for such notice.

J. Expenditures

The expenditures of the commission shall be within the amount appropriated for that purpose by this Board, which shall determine and provide the funds necessary for the commission's work.

K. Procedural Requirements

The commission shall adopt rules for the transaction of business and shall keep minutes of its meetings, transactions, findings and determinations, which records shall be public records as may be required by law. A quorum shall be three members; however, action on any matter before the commission may only be by majority vote of the five members of the commission.

L. Conflict of Interest

A member of the Water Commission who believes that he or she has a conflict of interest concerning an item before the commission shall disqualify himself or herself from discussing the item or voting on the item and shall not in any way attempt to influence the vote on the item. In the event that the County Counsel, or another authority legally empowered to make

such a determination, deems that a member of the Water Commission has a conflict of interest concerning an item before the commission, the commission member shall not participate in discussion of the item, vote on the item, or in any way attempt to influence the outcome of a vote on the item.

M. Advisory Committee

After consultation with the Water Commission, this Board may establish an advisory committee or committees to assist the commission in its consideration of any item upon which it is to make a recommendation to this Board. This Board shall appoint the members of any advisory committee or committees.

SECTION IV. Inyo County Water Department

A. Purpose

The purpose of the Inyo County Water Department is to assist in the implementation of the County Policy on Extraction and Use of Water, the Agreement, FEIR MOU and Ordinance 1004 as set forth below.

1. Monitor the environment of the Owens Valley and, with the Water Commission, the Board of Supervisors, the Technical Group and the Standing Committee, manage the valley's water resources in accordance with the provisions of the Agreement.

2. Coordinate for the County the implementation and oversight of all activities and projects, including enhancement/mitigation projects, in or arising from, the Agreement, the FEIR and the MOU. This responsibility does not extend to those activities, programs and projects that have been expressly delegated by this Board to other County departments.

3. Evaluate, the hydrogeological and related environmental impacts of any proposed transfer or transport of water regulated by Ordinance 1004, and based upon the evaluation, identify and develop recommended mitigation measures, proposed project conditions, a monitoring, groundwater management and/or reporting program, and proposed findings, and, following review and revision by the commission, submit the recommendations to the County Planning Commission.

4. Conduct scientific and other research related to the County's water resources.

5. Serve as staff to the Inyo County Water Commission.

6. Remain informed and educated about issues relating to water resources and informing and educating the public about such issues.

7. Maintain a water resources library and research center.

8. Advise this Board and others concerning the potential effects on the County's water resources of proposed decisions, activities, projects, legislation and administrative

actions and becoming involved, as may be directed by this Board, in such decisions, activities, projects, legislation and actions.

B. Staff

The staff of the Inyo County Water Department shall consist of a department director appointed by this Board and of such other staff, consultants and contractors as may be approved by this Board.

SECTION V. Inyo County Public Works Department

The implementation of the provision of the Agreement for the Transfer of the Town Water Systems is delegated to the Inyo County Public Works Department. This Board will appoint community-based committees to assist in the implementation of this provision.

SECTION VI. Inyo County Planning Commission and Inyo County Planning Department

The implementation of the provision of the Agreement for the Release of City Owned Lands (Section XV) is delegated to the Inyo County Planning Commission and Planning Department. This Board will appoint community-based committees to assist in the selection of lands for release. The Planning Commission is to develop and submit recommendations to this Board identifying the lands that Inyo County will request Los Angeles to release pursuant to the Agreement.

SECTION VII. Inyo County Department of Parks and Recreation.

The implementation of the provision of the Agreement for Park Rehabilitation, Development and Maintenance is delegated to the Department of Parks and Recreation (Section XIV.B). The Department of Parks and Recreation is directed to work with this Board in determining the activities and projects that will be implemented pursuant to this section of the Agreement.

SECTION VIII. Funding and Expenditures

A. Funding Administration

Pursuant to the Long Term Agreement, DWP is obligated to provide funding to the County for "Water and Environmental Activities," "Salt Cedar Control," "Parks Rehabilitation and Development," and "Maintenance of Parks and Recreation." The pertinent provisions of the Long Term Agreement state that funding received from DWP for these purposes is to be placed in trust by the County, the funding may only be used by the County for the purposes for which the funding is provided, and any unused funding is to accumulate from year to year. In addition, by action of the Inyo/Los Angeles Standing Committee, DWP may provide funding to the County for the costs of cooperative studies.

Any funding provided to the County by DWP for the purposes described above shall be administered and expended in accordance with the provisions of the Long Term Agreement, or in accordance with the conditions placed upon funds for cooperative studies by the Standing Committee. The County shall apply to all such funds, budgeting and accounting procedures that conform with the California Government Code, including but not limited to sections 29900 through 29093, other applicable laws, the State Controller's Accounting Standards and Procedures for

Counties, pronouncements of the Governmental Accounting Standards Board and "Generally Accepted Accounting Principles."

B. Water and Environmental Activities

Under present policy, any funding provided by DWP to the County pursuant to Section XIV.C of the Agreement (Water and Environmental Activities), and any funds received from County and non-County sources for services rendered by the Water Department or for use of Water Department facilities, equipment or materials, is placed by the Auditor-Controller in a "Water Projects Fund." Funding received for these purposes will continue to be placed in the Water Projects Fund unless otherwise directed by the Board of Supervisors with the approval of the Auditor-Controller.

Unless otherwise directed by this Board, any funding provided by DWP to the County pursuant to Section XIV.C of the Agreement (Water and Environmental Activities) shall be expended only for the purpose of funding the operation and maintenance and related activities of the Water Department. If it is determined by this Board that such funding is to be used for other than these purposes, such a determination shall be accompanied by a finding of this Board that the intended use is consistent with the provisions of the Long Term Agreement.

The Water Projects Fund, or any successor fund repository, shall be the source of funding for the operation and maintenance of the Water Department. All expenditures of the Water Department shall be within the amounts contained in the annual Water Department budget approved by this Board. Any unexpended monies in the Water Department budget shall remain in Water Projects Fund at the conclusion of a fiscal year so that money in this fund will accumulate from year to year. Interest earned on the money in the fund shall accrue to the fund.

C. Salt Cedar Control Fund

Funding provided to the County by DWP for the Water Department to conduct and administer Salt Cedar Control pursuant to Section XIV.A of the Agreement (Salt Cedar Control) shall be placed, upon receipt, in a "Salt Cedar Control Fund," or as otherwise may be directed by the Board of Supervisors with the approval of the Auditor-Controller. Monies in the fund shall only be appropriated into the Water Department's Salt Cedar Control budget, and shall only be expended on salt cedar control. Interest earned on monies in the fund shall accrue in the fund. Monies in the Salt Cedar Control Fund shall accumulate in this Fund from year to year.

D. Park and Recreation Maintenance

Funds provided to the County by DWP pursuant to Section XIV.B of the Agreement (Parks Rehabilitation, Development and Maintenance) for the operation and maintenance of existing and new parks, shall only be expended either on the operation or the maintenance of existing or new parks. These funds shall earn interest.

E. Parks Rehabilitation and Development

Funding provided to the County by DWP pursuant to Section XIV.B of the Agreement

(Parks Rehabilitation, Development and Maintenance) for the development of new parks or the rehabilitation of existing parks shall only be expended on parks rehabilitation and/or eligible development projects. These funds shall earn interest.

F. Owens Valley Cooperative Studies Fund

Any funds provided to the County by DWP for the Water Department to conduct or administer cooperative studies shall be placed upon receipt in an "Owens Valley Cooperative Studies Fund," or as otherwise may be directed by the Board of Supervisors with the approval of the Auditor-Controller. Monies in this fund shall only be appropriated into the Water Department's Cooperative Studies Budget, and shall only be expended on the cooperative study for which the funding is appropriated unless otherwise agreed by the Standing Committee. Interest earned on the monies in the fund shall accrue in the fund. Monies in the Owens Valley Cooperative Studies Fund shall accumulate in this fund from year to year. Any funds provided by DWP that remain in this fund at the end of a fiscal year shall be available for use during succeeding fiscal years as may be directed by the Standing Committee or by DWP.

G. Funding for the Lower Owens River Project

Any funds provided to the County for the Water Department to conduct, plan, administer or participate in the Lower Owens River Project shall be administered as required by the provider of the funds, and shall be only expended on the Lower Owens River Project unless otherwise agreed by the provider of the funds. Interest earned on any monies provided for this purpose shall accrue to these funds unless otherwise agreed by the provider of the funds.

H. Funding for Special Projects

Any funds provided to the County for the Water Department to conduct, administer or participate in special projects shall be administered and expended as required by the provider of the funds, unless otherwise agreed by the provider of the funds. Any funds that remain at the conclusion of the special project, for which the funding was received, shall be returned to the provider of the funds upon request unless otherwise agreed by the provider.

SECTION IX. Board of Supervisors

A. Supervision of Implementation of County Water Policy

This Board shall be responsible for, and shall direct, the implementation of the County Policy on Extraction and Use of Water and the County's implementation of the Agreement, FEIR, and MOU and of Ordinance No. 1004. In exercising this authority, this Board shall consider any recommendations of appropriate commissions and staff, and the views of the public and others.

B. Determination of Inyo County Standing Committee Vote

Two members of this Board shall be designated by this Board to serve on the Standing Committee. As provided by Section II of the Long Term Agreement, the County and the City of Los Angeles each have only one vote on the Standing Committee. This Board shall determine the County's position on any item to be voted upon by the Standing Committee.

SECTION X. Technical Group

The County's permanent representatives on the Technical Group shall be members of the staff of the Water Department. The County Administrator and/or representatives of other County departments or agencies and/or consultants to the County also shall represent the County in the Technical Group when such representation is necessary and appropriate.

SECTION XI. Standing Committee

The County's representatives to the Standing Committee shall be two members of this Board, two members of the Water Commission, the County Administrator, the County Counsel and the Director of the Water Department. A member of the staff of the Water Department shall serve as the secretary to the Standing Committee whenever the Standing Committee meets in Inyo County. Representatives of other County departments and agencies may appear before the Standing Committee as necessary and appropriate.

SECTION XII. Legislative Coordination

The Director of the Water Department, in coordination with the County Administrator and the County Counsel, shall, with direction from this Board, coordinate with Los Angeles and DWP on legislation as provided in the Agreement.

Passed and adopted this 27th day of July 1999, by the following vote.

AYES: Supervisors Hambleton, Arcularius, Bear, Lent

NOES: Supervisor Dorame

ABSTAIN: 0

ABSENT: 0

Carroll M. Hambleton Jr.
Carroll M. Hambleton Jr.
Chairman, Inyo County Board of Supervisors

ATTEST: Clerk of the Board

by Patricia Gunsalley
Deputy