

INYO COUNTY IN-DEPTH OPPORTUNITIES & CHALLENGES

The Complex, Litigious, and Ever-Evolving Relationship of Inyo County and LADWP: Inyo County has a unique relationship with the City of Los Angeles -- in particular, with the City's Department of Water and Power (LADWP). The relationship was forged over many decades and arises from the City's ownership of the vast majority of land in the Owens Valley and its exportation of surface and groundwater from the County through aqueducts. LADWP leases much of that land to private and public parties, including ranchers, business owners, and the County, making it by far the largest landlord. As a result of litigation and arbitration between the entities (sometimes involving other parties as well), there are settlement agreements, decisions, and other documents that govern much of the entities' relationships, including the Long-Term Water Agreement, 1991 EIR, 1997 MOU, and the Blackrock 99 Decision. Many of these involve projects to mitigate past environmental damage by LADWP's water diversions, including the Lower Owens River Project (LORP). The County has a Water Department that monitors those projects. There are also decisions and statutes affecting the entities, including the Hillside Decree and the Charles M. Brown Act. There is also active litigation between the entities involving Inyo County's attempt to condemn three landfill properties that it currently leases from LADWP, and LADWP's challenge of the County's CEQA compliance related to the condemnation actions. It will be critical for the candidate to get up to speed on the above documents/history in order to provide sound legal advice going forward.

The County's Indian Tribes: The County has five federally recognized Indian Tribes, each with its own tribal lands and government. Two of them currently have casinos and two have marijuana businesses. They are active participants in local affairs, including water issues, and represent a significant minority of Inyo County's residents (approximately 10%). The County has litigated with some of the tribes over the years, including two cases that went to the U.S. Supreme Court. It will be important for the candidate to possess or quickly acquire a working knowledge of Indian Law.

SGMA Issues/Entities: There are two groundwater sustainability agencies that were created pursuant to California's Sustainable Groundwater Management Act (SGMA) operating in the County and in which the County is either a party to the governing JPA document with representation on the agency board and/or provides staff including legal staff. Both agencies including other counties as part of their territory. The activities of the agencies have been controversial at times and created friction between local agencies and litigation. It will be important for the candidate to be knowledgeable regarding SGMA, water law, and joint powers agreements.

Cannabis regulation: As a result of California passage of Proposition 64, and based on responses to advisory measures, the County has a relatively new system for permitting and regulating various forms of cannabis (marijuana) businesses. Local businesses are still weeding their way through the permitting process and the County is evaluating its system for possible modification or improvement going forward. It will be important for the candidate to have a working knowledge regarding cannabis regulation in California in general and to get up to speed on Inyo County's regulations.

Transient Rentals: In response to public interest and the advent of widespread "airBNB" types of rentals, the County adopted regulations and permit requirements, which are still evolving in response to conditions on the ground and feedback from constituents. It will be important for the candidate to get to speed on the law regarding transient rentals and how the County has chosen to regulate it.

Housing and Homelessness: Like many other California jurisdictions, Inyo County has seen an uptick in homelessness. There is also a shortage of rental housing and a booming real estate market, which may be related. There was recently a controversial land-use project involving a "safe parking" lot for people to sleep in their cars, which was ultimately rejected by a 3-2 vote of the Board. There is public support for the County taking a more proactive role in addressing it, and the Board recently authorized the creation of a staff position in the County Administrator's office dedicated to housing issues. The candidate will need to get up to speed on the issue and provide legal advice on proposed projects to address it.