

# **EXHIBIT A**

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF KERN, METROPOLITAN DIVISION

INYO COUNTY, a political )  
subdivision of the State )  
of California, )

Plaintiff, )

v. )

LOS ANGELES DEPARTMENT )  
OF WATER AND POWER, a )  
Proprietary Department )  
of the City of Los )  
Angeles, a charter city; )  
et al., )

Defendant. )

**CERTIFIED COPY**

) Case No.  
) BCV-18-101261-TSC  
) [Related to  
) BCV-18-101260-TSC,  
) BCV-101262-TSC &  
) BCV-18-101513-KCT

DEPOSITION OF KEVIN CARUNCHIO

MONDAY, JULY 30TH, 2018

Mojave, California

Reported by: JULIA S. FOREMAN,  
CSR No. 13675



**ROBERTA EHLERS**  
Court Reporting & Legal Videography

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1 down there speak loudly -- identify yourselves for 10:19:50  
2 the record and who you represent. 10:19:53  
3 MR. EVERTZ: We'll start with me. I'm 10:19:55  
4 Doug Evertz, represent LADWP. 10:19:58  
5 MS. MADUENO: Emily Madueno, representing 10:20:02  
6 LADWP. 10:20:04  
7 MR. BEANUM: John Beanum, with the 10:20:06  
8 Los Angeles City Attorney's Office, representing 10:20:08  
9 LADWP. 10:20:09  
10 MS. TORY: Melanie Tory, with the 10:20:13  
11 Los Angeles City Attorney's Office, also representing 10:20:14  
12 Los Angeles Department of Water and Power.  
13 MR. JAMES: Greg James, representing County 10:20:16  
14 of Inyo.  
15 MR. LALLY: Kevin Lally, for County of Inyo. 10:20:22  
16 THE WITNESS: Kevin Carunchio, Inyo County 10:20:23  
17 administrator. 10:20:23  
18 THE VIDEOGRAPHER: Okay. Thank you very 10:20:27  
19 much.  
20 Julia, would you please swear in the 10:20:28  
21 witness.  
22 (The witness was sworn in.) 10:20:34  
23 MR. LALLY: Counsel, I, I thought we had an 10:20:43  
24 understanding, correct me if I'm wrong, that that is 10:20:44  
25 usable in all three cases and we're taking his 10:20:45

1           A. I was reviewing the draft letter in the 12:15:21  
2 context of responding to the December 11th letter 12:15:22  
3 addressed to me, and it was being followed up with by 12:15:26  
4 my staff. 12:15:28  
5           Q. Okay. And is Exhibit 11 the County's 12:15:29  
6 official response to the prior correspondence that we 12:15:43  
7 were just discussing from LADWP? 12:15:46  
8           A. I think it's the County's response at the 12:15:48  
9 staff level. 12:15:52  
10          Q. And, and who was involved in -- you 12:16:00  
11 mentioned that you saw a draft of this letter. 12:16:02  
12           Who else was involved in, in crafting it? 12:16:04  
13          A. I believe Mr. Benson. 12:16:07  
14          Q. Anybody else? 12:16:09  
15          A. I don't know. 12:16:10  
16          Q. Okay. 12:16:12  
17          A. I don't know who Rick may or may not have 12:16:12  
18 talked to, but basically, the December 11th letter 12:16:15  
19 from the Department of Water and Power really 12:16:22  
20 mischaracterized the status of things, and this 12:16:25  
21 letter was an attempt to correctly state the facts. 12:16:28  
22          Q. During the course of this period of time in, 12:16:42  
23 in 2015 and 2016, do you recall the LADWP expressing 12:16:45  
24 concerns that the County's operations of the three 12:16:52  
25 facilities may adversely impact water resources? 12:16:55

1           A. Not really. 12:16:59  
2           Q. Never came up? 12:17:01  
3           A. No. Again, this is where I started to have 12:17:03  
4 this come up on my radar, and so, you know, what, 12:17:06  
5 what's in the documents that I remember seeing is 12:17:11  
6 what was sort of my level on there. But that's where 12:17:16  
7 I became aware that, you know, actually, we'd been 12:17:20  
8 trying to revise those permits since 2011, 2012, and 12:17:23  
9 we're now being cited for not doing it solely because 12:17:27  
10 L.A. hadn't signed off on the permit revisions. 12:17:31  
11          Q. You, you mentioned that it was around this 12:17:33  
12 time frame that the issue of violations and concerns 12:17:35  
13 was brought to your attention. 12:17:38  
14           Who was -- prior to you becoming more 12:17:44  
15 involved on this issue, who would've been the primary 12:17:47  
16 person at the County that would've had knowledge and 12:17:51  
17 information about any violations occurring in the 12:17:54  
18 landfills? 12:17:56  
19          A. Scott Eagan, Integrated Waste Management. 12:17:57  
20 He's the, the manager of that program, and then 12:18:04  
21 reported to whoever the Deputy or Assistant County 12:18:06  
22 Administrator was at the time. 12:18:09  
23          Q. It looks like the -- looking at Exhibit 11, 12:18:12  
24 tone's changing at this point in time. 12:18:15  
25           Is that a fair statement? 12:18:17

1 lease negotiations? Sounds like the -- from what I 12:27:57  
2 understand, looks like LADWP wanted a new lease 12:28:01  
3 before they signed off on the permit; is that 12:28:04  
4 correct? 12:28:09  
5 A. Can we go back to the first, first part of 12:28:09  
6 the question? 12:28:12  
7 Q. Sure. 12:28:12  
8 A. You kind of -- 12:28:13  
9 MR. LALLY: Let's figure out what the  
10 question is.  
11 May we hear -- question back?  
12 BY MR. EVERTZ: 12:28:18  
13 Q. I think it was probably a bad question, so 12:28:18  
14 I'll try it again. 12:28:21  
15 This time in early 2018, it's my 12:28:23  
16 understanding that the County had submitted a 12:28:25  
17 Permit Revision Application; correct? 12:28:29  
18 A. It, it's my, my understanding that that was 12:28:33  
19 actually submitted in 2011. 12:28:36  
20 Q. Okay. And what was your understanding as to 12:28:38  
21 the delay in that process being completed? 12:28:42  
22 A. The, the process that I previously described 12:28:45  
23 of the back and forth of submittals of draft 12:28:49  
24 packages, determinations of completeness between 12:28:53  
25 LADWP, the County, its consultants, and various 12:28:57

1 regulatory agencies took a long time. If we fast 12:28:59  
2 forward to the previous exhibits, the LEA got tired 12:29:03  
3 of waiting for LADWP, signed off, issued a Notice of 12:29:07  
4 Violation to both the counties, the operator and L.A. 12:29:11  
5 is the landowner and in that notice of violation the 12:29:14  
6 Department of Water and Power was asked to produce a 12:29:19  
7 schedule. That subsequent schedule, which I think 12:29:22  
8 came out a month or two later, was the first time 12:29:25  
9 that leases, some of which I understand were in 12:29:29  
10 holdover until 20 -- since 2009, suddenly became an 12:29:32  
11 issue for the reason of not signing off on the 12:29:37  
12 permit. We'd been working on this through 2011, no 12:29:40  
13 issues, and then suddenly signing off on leases on 12:29:44  
14 whatever terms dictated by the Department of Water 12:29:48  
15 and Power became a prerequisite for permit signings. 12:29:50  
16 We've moved through this. My understanding 12:29:55  
17 was in the spring of 2017, having completed the 12:29:58  
18 Bishop lease, that Department of Water and Power 12:30:02  
19 staff were talking with my staff about developing 12:30:06  
20 leases for -- 12:30:09  
21 Q. The other sites? 12:30:12  
22 A. -- the other two landfills. When I checked 12:30:14  
23 a few weeks ago on the status of those, because they 12:30:17  
24 haven't come before me or the Board of Supervisors, I 12:30:20  
25 was told that we were still waiting for L.A. permit 12:30:23

1 sign off, which, I think, was -- well, this is 12:30:27  
2 February 2018, so that's my knowledge of the status 12:30:32  
3 and kind of how it all weaves together. 12:30:35  
4 Q. I thought I understood you to say -- but 12:30:41  
5 correct me if I'm wrong -- that the Notice of 12:30:44  
6 Violation that was issued by the LEA was prompted in 12:30:46  
7 part to get LADWP to process the permit revision. 12:30:49  
8 Is that true? 12:30:53  
9 A. Well, that, that's what I read in the Notice 12:30:55  
10 of Violation, what, whatever exhibit it was that -- 12:30:58  
11 Q. Right. 12:31:02  
12 A. -- you handed me, and that was definitely 12:31:02  
13 part of Mr. Benson's response in Exhibit 11, that, 12:31:05  
14 you know, "We're not the ones holding things up 12:31:09  
15 here," that "We've been working on it since 2011, 12:31:13  
16 2012, haven't been able to get it done." 12:31:16  
17 Going forward after this date is where now 12:31:18  
18 all of a sudden leases became part and parcel of any 12:31:23  
19 kind of DWP sign off. 12:31:26  
20 Q. Maybe we'll finish on this before lunch, but 12:31:29  
21 when did the topic of new leases enter the discussion 12:31:32  
22 between LADWP and, and the County? 12:31:35  
23 A. It was right about this time. 12:31:38  
24 Q. Like, 2017? 12:31:40  
25 A. No. I'd say, what's this, 2015 into 2016, 12:31:41



1 because it was shortly thereafter that both the 12:31:48  
2 County and the City are in trouble: "We need to get 12:31:51  
3 a new lease." 12:31:54  
4 And at that time I remember meeting with 12:31:55  
5 Mr. Harasick, the two attorneys that are in the room 12:31:57  
6 here, Mr. Yannotta, and local real estate staff to 12:32:00  
7 start talking about the lease and what it looked 12:32:14  
8 like, because they were drastically different than 12:32:15  
9 the leases we'd seen in the past. 12:32:17  
10 Q. Still looking at Exhibit 12, there's a 12:32:20  
11 reference there that says, quote, "The County of Inyo 12:32:23  
12 has since threatened to acquire the land through 12:32:23  
13 imminent domain"... then it goes on. 12:32:25  
14 When did the concept about acquiring the 12:32:29  
15 land, landfills through eminent domain, when did that 12:32:32  
16 process begin internally? 12:32:35  
17 A. Oh, I think the, the Board's action on 12:32:37  
18 August 15th, 2017, really marked the initiation of 12:32:40  
19 that, that condemnation, but obviously, the County 12:32:44  
20 had completed its appraisal of those properties, 12:32:48  
21 noticed the Department accordingly prior in the year 12:32:53  
22 and made a precondemnation offer. 12:32:55  
23 Q. Okay. I know all those dates, and we'll get 12:32:58  
24 into those momentarily, but I'm just -- as far as the 12:33:01  
25 -- obviously, before a Notice of Intent to Appraise 12:33:04

1 was sent, somebody had to come up with the concept 12:33:06  
2 about acquiring through potential eminent domain 12:33:10  
3 purposes. 12:33:13  
4 So when did that discussion ensue? 12:33:13  
5 MR. LALLY: That might be attorney-client. 12:33:15  
6 Is it? 12:33:18  
7 THE WITNESS: Yeah. I mean, I, I don't, I 12:33:19  
8 don't know how to respond to that, because when 12:33:21  
9 you're the Owens Valley, with a 100-year history of 12:33:23  
10 relations with the City of Los Angeles, seldom a week 12:33:29  
11 goes by where somebody doesn't say to someone else, 12:33:34  
12 like a Board member, that "screw it. You should just 12:33:37  
13 condemn that property." Obviously, in, you know, 12:33:40  
14 this situation, some of the back and forth recounted 12:33:43  
15 in the exhibits, this starts to get down to the 12:33:46  
16 County's ability to provide a fundamental service. 12:33:53  
17 So, similar to my experience with other protracted 12:33:59  
18 lease negotiations, we would look at trying to buy 12:34:01  
19 that asset from the, from the Department. 12:34:06  
20 MR. EVERTZ: Okay. Let's go off the record 12:34:08  
21 for a second. 12:34:09  
22 THE VIDEOGRAPHER: The time is 12:34 p.m. 12:34:10  
23 and we are off the record. 12:34:14  
24 (Short recess taken.) 14:44:14  
25 THE VIDEOGRAPHER: The time is 1:04 p.m. and 14:44:14

1 Mammoth Lakes? 14:44:20

2 A. No, I have no idea. It makes no sense to 14:44:20

3 me. 14:44:20

4 Q. Looking at the page -- first page, again, on 14:44:20

5 the term of the lease, it was proposed for three 14:44:20

6 years. 14:44:20

7 Do you know why there was a proposed 14:44:20

8 three-year term? 14:44:20

9 A. My recollection was that because we're -- 14:44:20

10 the, the County was raising so many issues that this 14:44:20

11 was being done to facilitate DWP's sign off on the 14:44:20

12 permit, a self-imposed requirement, as I understand 14:44:20

13 it, on the part of DWP since it had never been an 14:44:20

14 issue before during the permit-revision process. And 14:44:20

15 I recall my feeling, or our feeling, being at the 14:44:20

16 table, that "If we're going through all this effort 14:44:20

17 now, let's get the lease right and make it a 14:44:20

18 long-term lease." 14:44:20

19 Q. Did you or anyone from the County during 14:44:20

20 this negotiations propose a longer-term lease? 14:44:20

21 A. I recall talking about it at the meeting in 14:44:20

22 March and was told that that wasn't something that 14:44:20

23 the Department was willing to entertain. 14:44:20

24 Q. Did -- who did you have that conversation 14:44:20

25 with? 14:44:20

1           A. Well, these, these two individuals as well      14:44:20  
2           as Rich Harasick, Don, Don McGee, and Elsa from the      14:44:20  
3           Bishop Real Estate office. Rick Benson and              14:44:20  
4           Marshall Rudolph were in attendance, and the County      14:44:20  
5           -- and I don't know, I don't remember who else was in      14:44:20  
6           the room.    14:44:20  
7           Q. Do you recall any explanation as to LADWP's           14:44:20  
8           concerns about a longer-term lease?                      14:44:20  
9           A. Not specifically.                                      14:44:20  
10          Q. No. Like, generally?                                  14:44:20  
11          A. Well, generally, depending on which way the        14:44:20  
12          wind's blowing, we're told a lot of different things      14:44:20  
13          about what's possible and not possible with regard to      14:44:20  
14          leases, including whether the General Manager has the      14:44:20  
15          ability to enter into a 5-year lease or a 30-year        14:44:20  
16          lease. So it seems to be all over the board              14:44:20  
17          depending on what -- the demeanor of the staff at the      14:44:20  
18          table.    14:44:20  
19          Q. You thought this was staff-driven from                14:44:20  
20          LADWP's side?    14:44:20  
21          A. Well, I, I thought it was. You know, later           14:44:20  
22          on I received a response that some of my requests had      14:44:20  
23          to be considered by the Board of Water and                14:44:20  
24          Power Commissioners, which I took to mean that            14:44:20  
25          perhaps they'd given a direction to staff on this        14:44:20

1 matter, but I don't know. 14:44:20  
2 Q. Okay. Paragraph 17. It's entitled 14:44:20  
3 "DOMESTIC WATER"? 14:44:20  
4 A. I'm sorry. Can I have the page number? 14:44:20  
5 Q. That's 1-6 at the bottom. 14:44:20  
6 A. Thank you. 14:44:20  
7 Q. It's a paragraph entitled "DOMESTIC WATER." 14:44:20  
8 Earlier today you mentioned that there was a well 14:44:20  
9 located in -- I think across the street or in close 14:44:20  
10 proximity to the landfill. 14:44:20  
11 Is the well that's referenced here in 14:44:20  
12 paragraph 17 the, the well that you were discussing 14:44:20  
13 earlier that provides water to the landfill? 14:44:20  
14 A. I assume, so but I don't know. 14:44:20  
15 Q. Okay. It -- fair enough. But there is a 14:44:20  
16 well located, close proximity, that is operated by 14:44:20  
17 the County that pumps water under the jurisdiction of 14:44:20  
18 LAD -- LADWP; correct? 14:44:20  
19 A. Well, again, I don't know about the, the 14:44:20  
20 term "operate" operate, and I subsequently became 14:44:20  
21 confused because in another document submitted by the 14:44:20  
22 Department, the well in question was referred to by 14:44:20  
23 two different names, or nomenclatures. So I'm 14:44:20  
24 assuming this is the well we're -- 14:44:20  
25 Q. Okay. 14:44:20



1 Q. Yes. 14:44:22

2 A. We're a poor County made poorer by LADWP's 14:44:22

3 land-tenure patterns in the, in the valley. Any 14:44:22

4 increase in rent increases our operating cost for the 14:44:22

5 landfill, which then results in either hours of 14:44:22

6 operation being decreased or rates going up, both 14:44:22

7 which, you know, would not seem to be in the 14:44:22

8 Department of Water and Power's interest relative to 14:44:22

9 curbing illegal dumping. 14:44:22

10 Q. You mentioned the County's operating costs 14:44:22

11 for the landfill. 14:44:22

12 Do you have any understanding of what those 14:44:22

13 costs are on an annual basis? 14:44:22

14 A. No. I, I didn't review the entire landfill 14:44:22

15 budget and ask they be extrapolated. 14:44:22

16 Q. And is that in the, the County's budget 14:44:22

17 material that we discussed earlier? 14:44:22

18 A. Yes. 14:44:22

19 Q. Okay. Do you know what percentage of that 14:44:22

20 budget is applied to rent? 14:44:22

21 A. No. 14:44:22

22 Q. Do you know when the LADWP had, last time it 14:44:22

23 had increased rent prior to this proposal on the new 14:44:22

24 lease? 14:44:22

25 A. Reviewing the, the documents you previously 14:44:22





1 the drastic departure and some of the, the terms and 14:44:25  
2 the issues that were still outstanding, that we 14:44:25  
3 wanted to do a workshop in advance of asking the 14:44:25  
4 Board to consider the lease so that they could have 14:44:25  
5 time to digest it. And then I asked Mr. Benson to, 14:44:25  
6 to put together that workshop. 14:44:25  
7 Q. And there's a letter dated January 10th 14:44:25  
8 accompanying this exhibit -- or a memo from 14:44:25  
9 Mr. Benson to the Board. 14:44:25  
10 Did you have any involvement in the 14:44:25  
11 preparation of this, Mr. Benson's memo? 14:44:25  
12 A. I, I don't recall being involved in this, 14:44:25  
13 but at that point Rick had been pretty embroiled in 14:44:25  
14 the lease negotiations. 14:44:25  
15 Q. Was Mr. Benson, for lack of a better terms, 14:44:25  
16 the, the point person from the County's side on the 14:44:25  
17 lease negotiation? 14:44:25  
18 A. Yes. 14:44:25  
19 Q. Second paragraph, or, excuse me, second 14:44:25  
20 sentence of the first paragraph of Mr. Benson's memo 14:44:25  
21 says, quote, "As you may recall, the County has been 14:44:25  
22 in violation of the current permits. The primary 14:44:25  
23 area of noncompliance is that the County had been 14:44:25  
24 exceeding our daily tonnage limits." End quote. 14:44:25  
25 And that's consistent with your 14:44:25

1 understanding, correct, as we discussed earlier? 14:44:25

2 A. Generally, as it pertains to all three 14:44:25  
3 landfills, as stated in one of the previous exhibits, 14:44:25  
4 it was my understanding that the last exceedances of 14:44:25  
5 tonnage at Bishop-Sunland was in 2014, but it was an 14:44:25  
6 ongoing occurrence at Independence and Lone Pine. 14:44:25

7 Q. The last sentence of that first page says, 14:44:25  
8 quote, "The recommendation to approve the lease is 14:44:25  
9 only submitted because the County must come into 14:44:25  
10 compliance with CalRecycle regulations and it is our 14:44:25  
11 belief that given the circumstances we have 14:44:25  
12 negotiated the best agreement possible." End quote. 14:44:25

13 Do you know what he's referring to there? 14:44:25

14 A. What I believe he's referring to is the fact 14:44:25  
15 that a year or two earlier DWP made it clear that if 14:44:25  
16 we didn't sign off on a new lease, they weren't going 14:44:25  
17 to sign off on our permit. Our compliance is the 14:44:25  
18 need to have a permit --

19 Q. Okay.

20 A. -- which was the subject of the Notice of 14:44:25  
21 Violation and had been worked on since 2012. So the 14:44:25  
22 new lease being part and parcel, we kind of had a gun 14:44:25  
23 to our head. 14:44:25

24 Q. Next page, there's a reference to "Term." 14:44:25  
25 It says, quote, "Although it is expected that the 14:44:25

1 County will operate a landfill at the current site 14:44:25  
2 outside of Bishop for decades to come LADWP was only 14:44:25  
3 willing to agree to a three-year lease." End quote. 14:44:25  
4 Was there any discussion or concern that 14:44:25  
5 LADWP would not allow the County to continue to 14:44:25  
6 operate the Bishop-Sunland site? 14:44:25  
7 A. As lease terms became more aggressive and, 14:44:25  
8 and unfavorable to the County, that's a very real 14:44:25  
9 concern, yes. 14:44:25  
10 Q. Was there ever any direct discussion on that 14:44:25  
11 subject between the County and LADWP? 14:44:25  
12 A. In terms of the more restrictive and 14:44:25  
13 problematic nature of the lease terms or a direct 14:44:25  
14 threat to, to kick us off the site? 14:44:25  
15 Q. Let's start with the latter. 14:44:25  
16 A. No. 14:44:25  
17 Q. Okay. Did LADWP ever suggest or threaten it 14:44:25  
18 would terminate the County's ability to operate at 14:44:25  
19 the site? 14:44:25  
20 A. Not directly, but I go back to the previous 14:44:25  
21 exhibits in which violations pertaining to not having 14:44:25  
22 a revised permit are cited as violations of a lease, 14:44:25  
23 and I guess when I'm being told by a lessor that I'm 14:44:25  
24 in violation of the lease, what goes to my mind is 14:44:25  
25 that lease is on its way to being terminated. 14:44:25

1 Q. Do you recall any discussions as to why the 14:44:25  
2 LADWP wanted a short-term lease in the term of three 14:44:25  
3 years as opposed to a longer-term lease? 14:44:25

4 A. I think I, I, I spoke to that earlier. My 14:44:25  
5 recollection is that they wanted to get a three-year 14:44:25  
6 lease done, that they really weren't interested in a 14:44:25  
7 longer-term one, which, again, was a concern, because 14:44:25  
8 if we're going to go through all this work trying to 14:44:25  
9 negotiate a lease, why not get, get a longer-term 14:44:25  
10 one? And then there was some disagreement over what 14:44:25  
11 the process would be for anything more than five 14:44:25  
12 years.

13 Q. Did LADWP ever state why it was not 14:44:25  
14 interested in, in a longer-term lease? 14:44:25

15 A. I don't recall. 14:44:25

16 Q. Do you know if anyone from the County had 14:44:25  
17 any discussions with LADWP as to why LADWP did not 14:44:25  
18 want to extend the term beyond three years? 14:44:26

19 A. I'm not sure. I, I would assume so, but -- 14:44:26

20 Q. Would that have been Mr. Benson? 14:44:26

21 A. Well, Mr. Benson, Mr. Rudolph were both part 14:44:26  
22 of, you know, the lease negotiations. And having a 14:44:26  
23 very short-term lease where we have closure 14:44:26  
24 requirements spanning decades is a very unenviable 14:44:26  
25 position to be in, I mean -- 14:44:26

1 Q. Same page it says, quote, "Termination," 14:44:26  
2 says, quote, "Although it may be considered extremely 14:44:26  
3 unlikely the current lease allows LADWP to terminate 14:44:26  
4 the lease for any reason with a 180-day notice." End 14:44:26  
5 quote. 14:44:26  
6 I think I may have asked you this earlier, 14:44:26  
7 apologize if I did, but how long has the County 14:44:26  
8 operated out of each of the three landfill sites? 14:44:26  
9 A. I don't know. 14:44:26  
10 Q. More than 25 years? 14:44:26  
11 A. I wouldn't want to venture a guess, but I, 14:44:26  
12 I, I would assume more than -- 14:44:26  
13 MR. LALLY: Don't guess. 14:44:26  
14 THE WITNESS: Okay. Sorry 14:44:26  
15 MR. LALLY: He doesn't want you to guess. 14:44:26  
16 BY MR. EVERTZ:  
17 Q. Your best estimate? 14:44:26  
18 MR. LALLY: He's entitled to that. 14:44:26  
19 THE WITNESS: More than 25 years. 14:44:26  
20 BY MR. EVERTZ:  
21 Q. This agenda was an open-session item; 14:44:26  
22 correct? 14:44:26  
23 A. Yes. 14:44:26  
24 Q. All right. Looking at the next page, 14:44:26  
25 there's a reference to out-of-County waste. 14:44:26

1 Second-to-last sentence says, quote, "In order to 14:44:26  
2 keep all options open Inyo County requested that the 14:44:26  
3 issue, i.e., out of County waste, include the ability 14:44:26  
4 to accept waste from Mono County." Period. "This 14:44:26  
5 request was dismissed." 14:44:26  
6 Was there any specific discussion about 14:44:26  
7 out-of-County waste before the Board, do you recall? 14:44:26  
8 A. I don't remember that. 14:44:26  
9 Q. Okay. Was there any discussion about 14:44:26  
10 potential eminent domain with the Board during this 14:44:26  
11 open session? 14:44:26  
12 A. I don't remember. 14:44:26  
13 Q. Were the three landfills, to your knowledge, 14:44:26  
14 ever placed on a closed-session agenda prior to the 14:44:26  
15 initiation of condemnation proceedings? 14:44:26  
16 A. I don't recall. 14:44:26  
17 Q. All right. Show you a document we'll mark 14:44:26  
18 as Exhibit 20. 14:44:26  
19 (Exhibit 20 was marked for identification.)  
20 Exhibit 20 is a Agenda Package dated 14:44:26  
21 January 17th, 2017. 14:44:26  
22 If you can look at Item Number 23, it 14:44:26  
23 appears as though the opposed lease was being brought 14:44:26  
24 before the Board for consideration; is that correct? 14:44:26  
25 A. Yes. 14:44:26

1 Q. Okay. And was the lease approved by the 14:44:26  
2 Board on this date? 14:44:26  
3 MR. LALLY: At the edge of my seat 14:44:26  
4 wondering. 14:44:26  
5 THE WITNESS: I know. I, I'm assuming it 14:44:26  
6 was. I, I don't remember it not being approved. I 14:44:26  
7 think we have a signed lease. 14:44:26  
8 BY MR. EVERTZ:  
9 Q. And it appears as though it was -- here we 14:44:26  
10 go -- looks like it was signed by the County on 14:44:26  
11 February 3rd, 2017, integrated by County of Inyo 14:44:26  
12 Integrated Waste Management and then by LADWP on 14:44:26  
13 March 9, 2017. 14:44:26  
14 Looking at Section 7 of the, the lease 14:44:26  
15 entitled "Impacts to groundwater" -- it's on page 1-3 14:44:27  
16 and we talked about this earlier, but there's a 14:44:27  
17 discussion about the, the Regional Board requiring 14:44:27  
18 the County to remediate groundwater contamination and 14:44:27  
19 the Regional Board also approving the 14:44:27  
20 County's Corrective Action Plan. 14:44:27  
21 Who from the County has the most knowledge 14:44:27  
22 about these particular issues? 14:44:27  
23 A. That'd be whoever is managing the solid 14:44:27  
24 waste program at the time and whoever the Deputy or 14:44:27  
25 Assistant County Administrator -- 14:44:28

1 session? 14:56:19

2 A. If it was required to be reported, it 14:56:20

3 would've been reported. 14:56:21

4 Q. Do you know if it was required to be 14:56:23

5 reported? 14:56:25

6 A. I don't know. 14:56:26

7 Q. Okay. Do you recall when this issue 14:56:27

8 would've been agendized for closed session? 14:56:35

9 A. No. 14:56:39

10 Q. Do you recall if it was agendized for a 14:56:53

11 closed session? 14:56:55

12 A. I think it would be. It wasn't agendized 14:56:59

13 for an open session. 14:57:04

14 Q. Prior to sending this March 22 letter to 14:57:18

15 LADWP, had there been any discussions or 14:57:22

16 notifications by the -- from the County that it 14:57:27

17 intended to potentially acquire the three landfills? 14:57:31

18 A. I think this was the first correspondence. 14:57:36

19 Q. Okay. How about any verbal conversations? 14:57:39

20 A. I don't recall any. 14:57:48

21 Q. What was the purpose of the proposed 14:57:56

22 acquisition of the three landfills? 14:57:58

23 A. To continue the long-term operation of the 14:58:02

24 County's landfills. 14:58:05

25 Q. Anything else? 14:58:13



1 A. No. 14:58:15

2 Q. I see you have a Mr. -- is it Harasick? Is 14:58:26

3 that how you pronounce his name? 14:58:29

4 A. Yes. 14:58:31

5 Q. What was his involvement in this, in the 14:58:32

6 acquisition process? 14:58:35

7 A. Well, he was a party to the lease 14:58:36

8 negotiation session, basically the senior DWP 14:58:38

9 employee over the water, water side of operations, 14:58:42

10 which includes real estate, and my primary contact 14:58:46

11 with the Department downtown. 14:58:50

12 Q. So I think you mentioned earlier that it was 14:59:17

13 the County's intent in acquiring the properties just 14:59:21

14 to continue the existing operations of the landfill; 14:59:24

15 is that right? 14:59:28

16 A. Yes. 14:59:28

17 Q. Was the County contemplating any changes to 14:59:29

18 the landfill through the acquisition of these 14:59:31

19 landfills? 14:59:39

20 A. No. 14:59:40

21 Q. Okay. Show you a document we'll mark as 14:59:40

22 Exhibit 23. 15:00:05

23 (Exhibit 23 was marked for identification.) 15:00:05

24 Exhibit 23 is a May 8, 2017, letter from 15:00:06

25 you, again to LADWP, addressed to Mr. Wright. We'll 15:00:09

1 do this: I actually have offers for each site, so 15:00:26  
2 we'll go ahead and mark those. 15:00:29  
3 (Exhibits 24 was marked for identification.)  
4 Exhibit 24 is a letter of the same date, 15:00:45  
5 May 8, 2017, from you to Mr. Wright, regarding a 15:00:49  
6 proposed precondemnation offer for the 15:00:56  
7 Independence Landfill. 15:01:05  
8 And then lastly, Exhibit 25 is a May 8, 15:01:05  
9 2017, letter from you to Mr. Wright as it relates to 15:01:10  
10 the -- or Lone Pine Landfill? 15:01:18  
11 (Exhibit 25 was marked for identification.)  
12 Yeah. Okay. Do you recall sending these 15:01:53  
13 letters? 15:01:55  
14 A. Yes. 15:01:55  
15 Q. Okay. In each instance, Exhibits 23 through 15:01:56  
16 25, there's a reference to utilizing a date of value 15:02:03  
17 for the appraisal of December 1st, 2016. 15:02:06  
18 Do you know why that date of value was used? 15:02:11  
19 A. I think that's because that's when the 15:02:13  
20 County's appraisers commence their appraisal process. 15:02:15  
21 Q. So then that appraisal process was initiated 15:02:21  
22 prior to the execution of the lease; is that right? 15:02:24  
23 A. Yes. 15:02:35  
24 Q. Do you know -- strike that. 15:02:49  
25 Do you know when the appraisers were 15:02:59

1 retained to appraise the three facilities? 15:03:01  
2 A. Believe sometime in the fall of 20 -- 2016. 15:03:08  
3 Q. Just so we have a complete record, I'm going 15:03:40  
4 tos show you three letters that we'll mark as 15:03:44  
5 Exhibits 26, 27 and 28, 6, 6, 7. 15:03:48  
6 (Exhibits 26, 27, and 28 were marked  
7 for identification.) 15:04:17  
8 MR. LALLY: Are these mine? 15:04:17  
9 MR. EVERTZ: Hang on one second. If you 15:04:18  
10 would. Okay. 7, 7 -- there we go. 28, 28. All 15:04:20  
11 right.  
12 BY MR. EVERTZ:  
13 Q. I've given you three more documents. 15:04:55  
14 Exhibit 26 is a letter dated May 10, to Mr. Wright 15:04:57  
15 from you, titled "Precondemnation Offer" as it 15:05:05  
16 relates to Bishop site." 27's the same letter as it 15:05:14  
17 relates to the Independence site, and 28's the same 15:05:19  
18 letter as it relates to the Lone Pine site. 15:05:22  
19 And it appears that these are the -- it's 15:05:25  
20 same material as the prior three exhibits except that 15:05:27  
21 25, 26, and 27 neglected to include property exhibit 15:05:33  
22 and informational brochures that were missing from 15:05:43  
23 the prior offers; is that correct? 15:05:46  
24 A. Yeah, with regard to -- I think those were 15:05:48  
25 Exhibits 23, 24, and 25 -- 15:05:52

1 Q. Right. 15:05:54

2 A. -- the May 8th letters. Came to our 15:05:55

3 attention that the May 8th transmittals did include 15:05:58

4 the documents previously transmitted on March 22nd, 15:06:01

5 and therefore were, they were re-sent on May 10th. 15:06:04

6 Q. And with respect to -- let's look at 15:06:08

7 Exhibit 26. You mentioned the property exhibit. 15:06:11

8 Was a legal description ever prepared of the 15:06:20

9 actual land to be acquired? 15:06:24

10 A. I don't know. I, I would assume that this 15:06:29

11 was the description, but I didn't handle this. 15:06:32

12 Q. And in looking at the, the fourth page, 15:06:41

13 which is the, the map you're looking at marked as 15:06:45

14 Exhibit A, there are references to Eastern Sierra 15:06:49

15 Propane and Bishop Disposal. 15:06:53

16 Can you tell from this map whether those 15:06:55

17 properties are to be included in the acquisition? 15:06:58

18 A. Honestly, I cannot. I'm not interpreting 15:07:07

19 this map -- 15:07:09

20 Q. Okay.

21 A. -- you know, right now, so I can just guess. 15:07:11

22 Q. And I don't want you to do that, but I -- 15:07:13

23 A. No.

24 Q. -- I think earlier you testified that you 15:07:15

25 were not certain as to whether or not the 15:07:18

1 Bishop Disposal property and the Eastern Sierra 15:07:19  
2 property were included in the acquisition; is that 15:07:23  
3 right? 15:07:26  
4 A. I, I did say that earlier, and I think 15:07:26  
5 that's what I'm saying again. Here is -- there's a 15:07:28  
6 different coloration, and I don't see the key, so -- 15:07:31  
7 Q. Okay. Going to show you Exhibit 29, which 15:07:59  
8 is a July 7, 2017, letter, from Mr. Wright, LADWP, 15:08:02  
9 addressed to you. 15:08:14  
10 (Exhibit 29 was marked for identification.)  
11 Do you recall receiving this? 15:08:14  
12 A. Yes. 15:08:18  
13 Q. And this is a rejection of the, the offers; 15:08:22  
14 correct? 15:08:25  
15 A. That, that's my understanding. 15:08:27  
16 Q. Oh. Looking at the second paragraph, it, it 15:08:30  
17 -- second sentence says, quote, "LADWP must decline 15:08:33  
18 the County's offers under the terms proposed. Please 15:08:37  
19 note, however, that LADWP is willing to participate 15:08:40  
20 in good faith discussions regarding the future of the 15:08:43  
21 landfill Properties." End quote. 15:08:46  
22 Do you recall any proposals being made by 15:08:50  
23 LADWP in response to the offers made by the County? 15:08:52  
24 MR. LALLY: Objection. 11 -- Evidence Code 15:08:57  
25 Section 1152. 15:08:58

1 environmental liability, think one or two other terms 15:13:03  
2 thrown in. 15:13:07

3 Q. And who did you have those discussions with? 15:13:07

4 A. It was a telephonic conversation with 15:13:11  
5 Mr. Harasick, and I understand Mr. Collins, 15:13:13  
6 Mr. Beeman, and other L.A. representatives were on 15:13:18  
7 the other line. 15:13:20

8 Q. Okay. So the proposal was, if I understand 15:13:21  
9 correctly, that LADWP would sell the property with 15:13:24  
10 the reservation of water rights and nonliability for 15:13:29  
11 environmental issues. 15:13:33

12 Is that fair? 15:13:34

13 A. Well, the County assuming all of DWP's 15:13:36  
14 liability for, for environmental issues and, and one 15:13:40  
15 other issue, and that was juxtaposed to that if we 15:13:42  
16 proceeded with the Resolution of Necessity the County 15:13:49  
17 would be visited by, quote, "fire and fury." 15:13:52

18 Q. Wait. I'm sorry, say that again? 15:13:56

19 A. As part of the conversation, we said, 15:13:59  
20 "Well, you know, this doesn't seem, like, to be the 15:14:01  
21 same deal that the County, you know, offered to 15:14:04  
22 purchase." 15:14:06

23 It was, like, "If you move forward, this is 15:14:06  
24 going to be very costly and time consuming. You'll 15:14:08  
25 be met with fire and fury."

1           It was right after the Trump book had come 15:14:11  
2 out, so I think it was an attempt at levity, the -- 15:14:14  
3 felt sort of threatening, show the County's -- 15:14:17  
4           Q. And who made that comment? 15:14:18  
5           A. I'm not sure who did on the other line. I 15:14:19  
6 don't want to -- 15:14:22  
7           Q. So after this proposal was made by LADWP, 15:14:24  
8 was this -- it was before the Resolution of 15:14:27  
9 Necessity; correct? 15:14:29  
10          A. It was the day before, as I recall. 15:14:30  
11          Q. And what happened next? 15:14:32  
12          A. The Board met in open session and considered 15:14:36  
13 the Resolution of Necessity, had a hearing, heard 15:14:41  
14 from DWP representatives, and made this decision. 15:14:45  
15          Q. We'll get to that momentarily. Did the 15:14:50  
16 County ever consider acquiring the property with the 15:14:59  
17 reservation or exception that LADWP would maintain 15:15:03  
18 the water rights? 15:15:09  
19          A. The County's, you know, consideration, I 15:15:10  
20 think, is represented in its Precondemnation Offer to 15:15:13  
21 purchase. 15:15:19  
22          Q. I don't think you answered my question. 15:15:19  
23             Did the County -- it made its offer? 15:15:21  
24          A. Right. 15:15:25  
25          Q. But then LADWP came back and said one of the 15:15:25

1 landfills consistent with its permits. 15:16:31  
2 MR. LALLY: I need a break. 15:16:34  
3 MR. EVERTZ: Okay. 15:16:35  
4 MR. LALLY: Off the record. 15:16:36  
5 THE VIDEOGRAPHER: Time is 3:16 p.m. and 15:16:39  
6 we're off the record. 15:16:40  
7 (Short recess taken.) 15:16:40  
8 THE VIDEOGRAPHER: The time is -- okay. The 15:26:17  
9 time is 3:26 a.m. and we're back on the record. 15:26:17  
10 BY MR. EVERTZ: 15:26:21  
11 Q. I'm going to show you three documents that 15:27:48  
12 we'll mark as Exhibit 30, 31, and 32. 15:27:58  
13 (Exhibits 30, 31, and 32 were marked  
14 for identification.)  
15 Exhibit 30 is a "Notice of Intent to Adopt 15:28:04  
16 Resolution of Necessity," etc., dated July 17, 2017, 15:28:08  
17 appears to be signed by you, Mr. Carunchio, as it 15:28:16  
18 relates to the Bishop-Sunland site. 15:28:20  
19 Exhibit 31 is the same document as it 15:28:24  
20 relates to the Independence Landfill site. 15:28:26  
21 And Exhibit 32 is the same document as to 15:28:29  
22 the Lone Pine site. 15:28:32  
23 Are these documents that were all sent by 15:28:34  
24 you to LADWP? 15:28:36  
25 A. Yes. 15:28:39



1 mentioned earlier, did that occur before or after the 15:30:50  
2 July 7 letter? 15:30:54

3 A. I think it was after. My recollection, it 15:30:55  
4 was right before the Resolution of Necessity. 15:30:58

5 Q. The last sentence on the first page of 15:31:19  
6 Exhibit 30 says, quote, "The County continues to hope 15:31:22  
7 for a negotiated resolution once LADWP has obtained 15:31:25  
8 its own appraisal of the Bishop site; however, in 15:31:29  
9 order to ensure the timely acquisition of the 15:31:33  
10 property, the County must now begin the process of 15:31:35  
11 acquiring the Bishop Site by means of eminent 15:31:39  
12 domain." End quote. 15:31:42

13 Why was there a need to move forward with 15:31:43  
14 the hearing on the resolution prior to LADWP 15:31:45  
15 obtaining its own appraisal? 15:31:48

16 A. Well, we got on a three-year lease. We went 15:31:53  
17 through hell to get it. It seemed to be a power 15:31:57  
18 play, for lack of a better term, considering all we 15:32:03  
19 were trying to get was a sign off on a new solid 15:32:07  
20 waste facilities permit since 2012. We get into 15:32:09  
21 lease negotiations which have very difficult terms 15:32:13  
22 relative to trying to operate a landfill and -- but 15:32:17  
23 this time we're already a year and a half into a 15:32:21  
24 three-year, into a three-year lease. 15:32:26

25 Q. So it was the term of the lease that was 15:32:29

1 creating the urgency, for lack of better terms? 15:32:32  
2 A. That was one of, one of the driving issues. 15:32:36  
3 Q. Other than the term of the lease, were there 15:32:47  
4 any other urgencies that were requiring the, the 15:32:49  
5 County to move forward with the Resolution at this 15:32:54  
6 time, in July of 2017? 15:32:57  
7 A. Well, I think just some of the fundamental 15:32:59  
8 conditions in that lease that we didn't get to 15:33:02  
9 discuss earlier make operating a landfill very, very 15:33:04  
10 difficult. 15:33:08  
11 Q. I'll show you a document we'll mark as 15:34:22  
12 Exhibit 33 to your deposition. 15:34:26  
13 (Exhibit 33 was marked for identification.)  
14 Exhibit 33 is a letter from LADWP, from 15:34:30  
15 Mr. Wright, addressed to Darcy Ellis, Assistant Clerk 15:34:35  
16 of the Board. It's dated August 1, 2017. 15:34:39  
17 Do you recall seeing this letter before? 15:34:47  
18 A. Yes. 15:35:01  
19 Q. Okay. And this letter indicates that LADWP 15:35:01  
20 would appear at the hearing on the Resolution of 15:35:05  
21 Necessity; correct? 15:35:10  
22 A. Yes. 15:35:10  
23 Q. Did you discuss this letter with anyone 15:35:11  
24 other than counsel? 15:35:13  
25 A. No. 15:35:17

1 Los Angeles City Charter." End quote. 15:46:20  
2 Is this the conference call you were 15:46:23  
3 referring to earlier? 15:46:24  
4 A. I believe it was. 15:46:25  
5 Q. Okay. To your knowledge, was there more 15:46:28  
6 than one conference call with LADWP representatives 15:46:30  
7 regarding the potential sale of the property to the 15:46:35  
8 County? 15:46:37  
9 A. No. 15:46:38  
10 Q. Okay. And the LADWP's offer to sell the 15:46:39  
11 landfills with the reservation of water rights, that 15:46:47  
12 was rejected by the, by the County; right? 15:46:50  
13 A. No. 15:46:54  
14 Q. Explain. 15:46:55  
15 A. Well, this -- my understanding was this is a 15:46:58  
16 fairly informal call. Prices. See, it referenced in 15:47:04  
17 this letter, where we ended the call was "Put an 15:47:08  
18 offer on the table. Give us a price and terms." And 15:47:11  
19 we still haven't seen those. 15:47:14  
20 Q. On page 5 of this letter, there are 1, 2, 3, 15:47:37  
21 4 bullet points referenced regarding various 15:47:46  
22 violations at the sites, corrective action plan at 15:47:54  
23 the Bishop-Sunland site, groundwater concerns and 15:47:58  
24 alleged unpermitted uses. 15:48:02  
25 Who would be the Person Most Knowledgeable 15:48:04

1 I want to confirm that Exhibit 36, which is 15:55:07  
2 the agenda package; together with the transcript, 15:55:11  
3 which is Exhibit 37, which is the presentation at the 15:55:15  
4 hearing on the Resolution of Necessity; and the 15:55:19  
5 minutes, which are reflected as Exhibit 38; is this 15:55:21  
6 the entirety of the information presented to the 15:55:25  
7 Board with respect to the hearings on the Resolutions 15:55:27  
8 of Necessity? 15:55:33  
9 MR. LALLY: Calls for speculation. 15:55:33  
10 BY MR. EVERTZ: 15:55:34  
11 Q. If you know? 15:55:35  
12 A. No. 15:55:36  
13 Q. What else? 15:55:37  
14 A. Well, the minutes wouldn't have been 15:55:37  
15 presented to the Board until after the -- 15:55:39  
16 Q. Okay. 15:55:41  
17 A. -- and -- 15:55:42  
18 Q. So then -- let me rephrase that, then. 15:55:44  
19 So would the transcript, which is 15:55:46  
20 Exhibit 37, and the package of materials contained in 15:55:48  
21 Exhibit 36, would that be the totality of the 15:55:51  
22 information that was presented to the Board as it 15:55:54  
23 considered the, the Resolutions of Necessity? 15:55:57  
24 MR. LALLY: Calls for speculation. 15:56:00  
25 THE WITNESS: This would've been the 15:56:03

1 information presented by staff, if this is everything 15:56:04  
2 that was in our agenda packet, and I'm going to trust 15:56:07  
3 that the, the minutes are of the meeting. In terms 15:56:09  
4 of what conversations Board members might have had 15:56:14  
5 with other parties, I have no idea. 15:56:17  
6 BY MR. EVERTZ: 15:56:19  
7 Q. Okay. And I'm just looking for -- I'm not 15:56:19  
8 trying to trick you here, but I'm just looking for 15:56:22  
9 the County's record as to what was before the Board, 15:56:24  
10 and I'm trying to figure out if it was just 15:56:29  
11 Exhibit 36 plus the presentation, which is 15:56:32  
12 Exhibit 37? 15:56:33  
13 A. Yes. 15:56:42  
14 Q. Anything else, to your knowledge? 15:56:43  
15 A. No. 15:56:45  
16 Q. Okay. Lastly, oh, lastly, I have the, I 15:57:16  
17 have the three Resolutions, that we'll mark first as 15:57:25  
18 -- Exhibit 39 is Resolution 2017-38, which relates to 15:57:28  
19 the Bishop-Sunland facility. All right. 15:57:47  
20 Exhibit 40 which is Resolution 2017-39 which 15:57:57  
21 relates to the Independence facility. 15:58:09  
22 And 41, which is Resolution 2017-40 15:58:38  
23 pertaining to the Lone Pine Landfill. 15:58:42  
24 (Exhibits 39, 40, and 41 were marked  
25 for identification.)

1           Are Exhibits 38 through 41 the three           15:58:58  
2 Resolutions that were adopted by the Board           15:59:01  
3 authorizing condemnation of the three landfills?     15:59:04  
4           A. Yes.           15:59:11  
5           Q. Okay. And the three exhibits, Exhibits 39     15:59:29  
6 through 41, are the totality of the three Resolutions   15:59:33  
7 that were adopted for to acquire the three landfills;   15:59:36  
8 correct?           15:59:52  
9           A. Yes.           15:59:52  
10          Q. All right. I see that your title is also     15:59:53  
11 Clerk of the Board?           15:59:54  
12          A. Yes. I forgot to mention that earlier.     15:59:56  
13          Q. To your knowledge, was a legal -- were legal   16:00:06  
14 descriptions ever prepared describing the properties     16:00:09  
15 to be acquired?           16:00:11  
16          A. I don't know.           16:00:23  
17          Q. Okay. All right.           16:00:24  
18          MR. EVERTZ: Let's take five minutes. Okay.     16:00:25  
19          THE VIDEOGRAPHER: The time is 4:00 p.m. and     16:00:27  
20 we're off the record.           16:00:29  
21           (Short recess taken.)           16:00:30  
22          THE VIDEOGRAPHER: Okay. The time is           16:17:27  
23 4:17 p.m. and we're back on the record.           16:17:33  
24 BY MR. EVERTZ:  
25          Q. Okay. Have you or anyone at the County had   16:17:38