

**DRAFT  
MINUTES**

**MONO COUNTY TRI-VALLEY GROUNDWATER  
MANAGEMENT DISTRICT  
Regular Meeting of  
December 20, 2023 6:30 P.M.  
Chalfant Community Center**

Acting Chairperson West called the meeting to order at 6:30 P.M. on December 20, 2023. The meeting was held in person.

**Roll Call:**

Directors Present: West, Mitchell, Puhvel, Parkinson, Moss, and Bassett.

Directors Absent: Allen (excused, family health issue).

Advisory Board present: Dennis Murphy, Gina Cleland, Amy Shelton Saladin, Janet Barth.

Mono County (M.C.) Personnel in attendance: None. Assistant County Counsel (A.C.C.)  
Chris Beck was sick; available by phone as needed.

**Introduction of new Board member.**

Acting Chairperson West introduced Don Moss, the newly elected Board member. Director Moss thanked everyone for the overwhelming support and congratulated Curtis Milliron for the pretty close election results.

**1. Advisory Board Report.**

A.B. Murphy reported that they had not had a recent A.B. meeting. There is one scheduled for January 17, 2024.

**A. Review and possible approval of the Winter 2024 TVGMD newsletter.** (See attachment item # 1A)

The draft Winter 2024 TVGMD Newsletter had been sent to the Board for review and was part of the agenda packet. After some positive feedback regarding the newsletter, a motion to approve the newsletter as presented was made by Director Mithcell and seconded by Director Parkinson.

Vote – ayes – Directors West, Bassett, Mitchell, Puhvel, Parkinson, and Moss.

Nayes – none.

Absent – Director Allen.

**2. Public Comment.**

Jarret Phillips (Benton) – commented that the White Mountain Fire Department will be having their community dinner on January 6, 2024, starting at 5:00 PM at the Benton Community Center. All the food will be provided for the dinner.

He also commented that he is still waiting to hear from the A.B. on his appointment. A.B. Murphy replied that that will be an agenda item for the January 17, 2024 meeting and that he has a copy of Jarret's letter (email) of interest.

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### **3. Discussion and possible approval of minutes for the November 15, 2023 meeting. (See attachment item # 3)**

Without any discussion or requests for changes, a motion to approve the November 15, 2023 minutes as presented was made by Director Parkinson and seconded by Director Mitchell.

Vote – ayes – Directors West, Bassett, Mitchell, Puhvel, Parkinson, and Moss.

Nayes – none.

Absent – Director Allen.

### **4. Update on the administration of Oath of Office.**

Director West commented that the Oath of Office was administered to Don Moss on December 1, 2023.

#### **A. Discussion on Director West's Board status returning to a Director A (domestic well) position.**

Due to Director Allen's absence and an email request by him, a motion to table item # 4A until a later time when all the Directors are present was made by Director West and seconded by Director Parkinson.

Vote – aye – all Directors present.

Nayes – none.

Absent – Director Allen.

### **5. Update on Aerial Electromagnetic (AEM) Survey.**

No information has yet been received from DWR on the results of the AEM survey. It is expected that it will take some time for the results to be ready.

### **6. Update on the funding request to Mono County for 2024.**

Director Duggan reported that the TVGMD \$5000 funding request for Fiscal Year 2023/2024 was approved in September of 2023 in the final Mono County budget. Director Bassett is to email the office of Janet Dutcher, Director of Finance, and cc Kim Bunn, Assistant Finance Director, to determine how the \$5000 will be distributed. Also, TVGMD will need to know the possibility of and details for having a petty cash fund and how that process works.

### **7. Update and possible action on the Director's insurance project.**

Director Allen is in charge of this project. Due to his absence, a motion to table item # 7 was made by Director Parkinson and seconded by Director Puhvel.

Vote – aye – all Directors present.

Nayes – none.

Absent – Director Allen.

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### **8. Report from the committee to recommend possible changes to the District statutes regarding the domestic and 100 gpm seats on the Board of Directors:**

Director Puhvel, Committee Chairperson, commented that the committee had not yet met. He asked for feedback from the Board members on whether or not they support preserving the domestic seats as exclusively domestic and the agricultural seats as exclusively agricultural and if they still want to proceed with potential language changes.

Director Mitchell pointed out that Director Moss had probably not seen the proposed language changes. Director Bassett is to send those to him. Director Mitchell also added that:

- Normally, if the Board wants to change anything in the statutes, they propose it and it goes to the M.C. Board of Supervisors for review and potential approval and then to the legislature.
- She is in favor of possibly changing the district statutes and would like to see the domestic seats be as they are now
- We should look at the entire statute and see if anything else needs to be updated.
- She is definitely in favor of getting rid of the “at large” wording in both the domestic and agricultural seats.
- The Board should develop an administrative application for people applying to the Board; basic information as well as which seat they’re applying for.
- The language could be changed to add seats to the Board.

Director West commented that:

- We need to keep in mind that the positions that the Board members are in were either elected or appointed in lieu of election and we can’t arbitrarily change anything that would go against the constituency that put us in the positions.
- We have four seats coming up for election in the next election. So, that allows things to be adjusted and balanced at that time.
- He would like to pursue the language changes. We should have those people interested in the Ag seats and are Ag producers have priority over non-producers; all people for Ag seats would still need to have the facility as specified in the statute.

Director Bassett commented that:

- Her opinion hasn’t changed from when we voted to do potential language changes.
- She feels that the language for the three “Ag” positions is pretty self-explanatory. But, the four positions that have historically been domestic well owners only needs to be clarified so that we don’t have this issue come up whenever we have an open domestic well seat.
- For Director B positions, Ag producers should be considered over non-producers; both need to have the 100 gpm well, in addition to their domestic well. But we don’t want to change the language to the point of limiting us to producers if we don’t have any that are interested in the position at the time the vacancy needs to be filled.

Director Parkinson added:

- He agrees with going forward with the language changes.
- He would like to see 3 domestic and 3 Ag seats and maybe one wobbler, someone that can go either way. Having 4 seats of one type and 3 of the other type is not even regardless of which is the 4.

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Director Duggan commented that:

- Once we get some potential language, A.C.C. Beck can help us with the language.
- We should update anything that is obsolete, that ties our hands.

## **9. Update on the Groundwater Model Project.** (See attachment item # 9)

Director Duggan reported that:

- the funding was approved.
- The contract with Inyo County was approved on 12/12/2023
- Holly Alpert will be the Inyo County contact and will be available to come and give us updates starting after the first of the year.
- We should make sure that they are invited to each meeting.

Director Bassett added that Brent Calloway, from M.C. Community Development, will be our main contact. He's the project manager.

## **10. Update on proposed groundwater monitoring wells in Hammil Valley.** (See attachment item # 10)

Director Duggan had sent a BLM update on the proposed project to Director Bassett for distribution to the Board. The email was basically a notice that the public comment period for the project was open and included a brief description of the project. The public comment period ended on December 15, 2023.

## **11. Review and discussion of the proposed TVGMD meeting schedule for the 2024 calendar year.** (See attachment item # 11)

Director Bassett said that she will not be able to attend the June 26, 2024 meeting. Director Puhvel said that he will also not be able to attend that date. A decision was made to wait until we got closer to June to decide if we should reschedule the June 26 meeting or cancel it. Director Bassett will resend the list of proposed dates to the Board and also reserve the Benton and/or Chalfant Community Centers for the appropriate dates. Meeting locations might need to be changed based on room availability.

## **12. Board of Directors reports.**

Director Duggan reported that:

- There is a new Facilities Director, Karen Spears. She will be reaching out to see what needs we have for the buildings we use.
- She was recently notified by CalOES that Mono County was added to the list of counties affected by Tropical Storm Hilary and qualifying for disaster relief. There should be a press release coming out about this.
- There are 2 items on the January 9, 2024 M.C. BOS meeting that might be of interest to people. See attachment item #12.
  - A. Funding opportunities for affordable housing.
  - B. The approval of the White Mountain EMS contract.

Contact Director Duggan at [rduggan@mono.ca.gov](mailto:rduggan@mono.ca.gov) for additional information on any of these items.

Director Bassett reminded the Board and A.B. that the Ethics and Sexual Harassment trainings mentioned at the November 15, 2023 meeting need to be completed by the end of the year; December 31, 2023. She will send the information to Director Moss.

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**13. Adjournment to Wednesday, January 24, 2024, 6:30 p.m. at the Benton Community Center.**

A motion to adjourn the meeting was made by Director Parkinson and seconded by Director Puhvel.

Vote - Ayes – all Directors present.

Nays – none.

Absent – Director Allen.

Meeting was adjourned at 7:11 PM.

**The next meeting is Wednesday, January 24, 2024 at 6:30 p.m.  
at the Benton Community Center.**

**Geri Bassett, Secretary, TVGMD**

## FW: Water Board Resignation

From: Queenie Barnard <qbarnard@mono.ca.gov>  
Date: 01/10/2024 11:17  
To: "secretary@tvgmd.org" <secretary@tvgmd.org>  
Cc: <rduggan@mono.ca.gov>

Christopher Beck <cbeck@mono.ca.gov>, Rhonda Duggan

Here you go!

---  
Queenie Barnard  
Clerk-Recorder-Registrar  
Mono County  
P.O. Box 237  
Bridgeport, CA 93517  
(760) 932-5534  
qbarnard@mono.ca.gov

-----Original Message-----

From: Yo! Basecamp <climb@yobasecamp.com>  
Sent: Tuesday, January 9, 2024 2:52 PM  
To: Queenie Barnard <qbarnard@mono.ca.gov>  
Subject: Re: Water Board Resignation

[You don't often get email from climb@yobasecamp.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

[EXTERNAL EMAIL]

Hi Queenie,

Thanks for the answer. The effective date is today.

Thanks for the help!

-Andy  
Sent from my iPhone

> On Jan 9, 2024, at 2:22 PM, Queenie Barnard <qbarnard@mono.ca.gov> wrote:

>

> Hello Andy,

>

> There is no paperwork you will need to file to make your resignation official. What is the effective date of your resignation? We will send you a leaving office email to file your Form 700. Thank you.

>

> ---

> Queenie Barnard  
> Clerk-Recorder-Registrar  
> Mono County  
> P.O. Box 237  
> Bridgeport, CA 93517  
> (760) 932-5534  
> qbarnard@mono.ca.gov

>

> -----Original Message-----

> From: Yo! Basecamp <climb@yobasecamp.com>  
> Sent: Tuesday, January 9, 2024 12:03 PM  
> To: Clerk Recorder <clerkrecorder@mono.ca.gov>  
> Subject: Water Board Resignation

<https://aka.ms/LearnAboutSenderIdentification> ]

>

> [EXTERNAL EMAIL]

>

>

> Hello!

>

> My name is Andy Puhvel and I am writing to inquire what paperwork I need to file to make official my resignation from the Tri-Valley Groundwater Management Board.

>

> Thanks you for your help.

>

> Sincerely,

>

> Andy Puhvel

> Sent from my iPhone

**Subject:**

Water Board Resignation

----- Original Message -----

Subject: RE: Water Board Resignation

Date: Tue, 9 Jan 2024 22:28:05 +0000

From: Queenie Barnard <[qbarnard@mono.ca.gov](mailto:qbarnard@mono.ca.gov)>

To: "[secretary@tvgmd.org](mailto:secretary@tvgmd.org)" <[secretary@tvgmd.org](mailto:secretary@tvgmd.org)>

Cc: Christopher Beck <[cbeck@mono.ca.gov](mailto:cbeck@mono.ca.gov)>, Rhonda Duggan <[rduggan@mono.ca.gov](mailto:rduggan@mono.ca.gov)>

Hello,

We received notice of Andy Puhvel's resignation from the Tri-Valley Groundwater Management District. Below is the Government Code to provide guidance on the process of filling vacancies during a term.

*Government Code section 1780:*

1. District notifies Clerk w/in 15 days of notice of vacancy or effective date of vacancy (whichever is later).
2. District board may appoint a replacement, or call election.
3. District makes appointment:
  - a. District board posts notice of vacancy for 15 days in 3 places.
  - b. District board makes appointment within 60 days of date of notice, or effective date, of vacancy (whichever later).
  - c. District board notifies Clerk w/in 15 days of appointment.
4. District calls election:
  - a. Within 60 days of when District notified of vacancy or effective date of vacancy (whichever is later) District Board calls election.
  - b. Election held at next established election date that is at least 130 days from date election called.
5. If District fails to appoint or call election within above time limits:
  - a. Board of Supervisors may order the District to call an election; or
  - b. Board of Supervisors may appoint someone within 90 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later.
6. If both District and BOS fail to act within above limits:
  - a. If within 90 days of the date the district board is notified of the vacancy, or the effective date of the vacancy, whichever is later, the remaining members of the district board or the board of supervisors have not filled the vacancy, then the district board shall call an election to fill the vacancy. (GC §1780).

Queenie Barnard Clerk-Recorder-Registrar Mono County

P.O. Box 237, Bridgeport, CA 93517 (760) 932-5534 [qbarnard@mono.ca.gov](mailto:qbarnard@mono.ca.gov)



## BROWN ACT TELECONFERENCE RULES (AFTER AB 361)

*Applies when a member of the legislative body participates from a location that is not the prime meeting location (staff or the public may participate remotely without complying with these rules)*

Traditional Requirements for Teleconference Participation (pre-COVID)	AB 2449 alternative Requirements (from March 1, 2023, to January 1, 2024 – revised rules apply from January 1, 2024, to January 1, 2026)
Agenda must list all teleconference locations	1 N/A (but see 4, 5, 9 below for other agenda requirements)
Agenda must be posted at all teleconference locations	2 N/A
Public must be able to access and provide public comment from all teleconference locations	3 N/A
Each teleconference location must be accessible to individuals with disabilities	4 Must have a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities. How to request this procedure must be listed on the agenda
At least a quorum of the board (3 members) must participate from a location that is within the jurisdiction	5 At least a quorum of the board (3 members) must participate in person from a singular physical location clearly identified on the agenda and open to the public
Votes must be taken by rollcall	6 Same
Must comply with all other Brown Act requirements and conduct meetings in a manner that protects the constitutional rights of persons appearing before the board	7 Same
	8 Either: use a two-way audiovisual platform; or Use a two-way telephonic service and a live webcasting of the meeting. Board Members must have video.
	9 All notices of meeting must provide instructions for how to participate remotely
	10 In the event of a disruption, no further action may be taken
	11 Members participating remotely must comply with one of the following: <b>Just Cause Exception</b> <ul style="list-style-type: none"> <li>• Notify the board at earliest opportunity of need to participate remotely</li> <li>• Describe “just cause” for remote participation (* defined in the statute)</li> <li>• Can only do this for 2 meetings each calendar year, or</li> </ul> <b>Emergency Exception</b> <ul style="list-style-type: none"> <li>• Notify the board of an emergency* and the board must take action to approve the request (* defined in statute)</li> <li>• Provide a general description of the emergency circumstances</li> <li>• Request must be remade for each meeting (i.e., no standing requests)</li> <li>• Disclose whether any person 18 or older is present with them during the meeting</li> <li>• May be used for no longer than 3 consecutive months or more than 20% of regular meetings of the board</li> </ul>

## AB 557

AB 557 (Bill) updates and amends the flexible COVID-era teleconference procedures previously allowed under AB 361. Public agencies must post agendas at all teleconference locations, identify each teleconference location on the agenda and ensure a quorum of the body participates from within the agency's jurisdiction (Government Code section 54953(b)) under the "traditional" Brown Act teleconference rules. The Bill's relaxed teleconference rules allows public agencies to conduct virtual meetings as long as there is a state-proclaimed state of emergency and the governing bodies make and renew findings every 30 days.

The following additional information is provided:

- The Bill, which sunsets on January 1, 2026, makes the following two updates to the existing relaxed teleconference meeting rules established by AB 361:
  - State or local social distancing restrictions can no longer serve as a basis for holding relaxed teleconference meetings, as was the case under AB 361. Public agencies may still hold remote meetings in situations where the governor has proclaimed a state of emergency and the legislative body is meeting via teleconference during that emergency, either to make an initial determination on whether meeting in person presents imminent risks to health or safety or where the body has already determined by a majority vote that such risks are present.
  - The agency's governing body may now renew its findings in support of continued teleconference meetings under the relaxed requirements every 45 days instead of every 30 days as required under AB 361.
  - While agencies may no longer rely on findings for relaxed teleconference meetings based on social distancing measures, agencies can still apply the relaxed teleconferencing rules during a Governor-declared state of emergency. Alternatively, agencies may continue to rely on the traditional teleconferencing requirements or allow remote attendance on a case-by-case basis using the emergency and just cause provisions found in section 54953(f) (otherwise known as the AB 2449 rules).

As of January 2024

Confirmed Dates for TVGMD 2024 Meetings  
As of January 8, 2024

January 24<sup>th</sup> Benton

February 28<sup>th</sup> Chalfant

March 20<sup>th</sup> Benton (Changed for Easter Week)

April 24<sup>th</sup> Chalfant

May 29<sup>th</sup> Benton (Changed for Mule Days)

June 26<sup>th</sup> Chalfant

July 24<sup>th</sup> Benton

August 28<sup>th</sup> Chalfant

September 25<sup>th</sup> Benton

October 23<sup>rd</sup> Chalfant

November 20<sup>th</sup> Benton (Changed for Thanksgiving)

December 18<sup>th</sup> Chalfant (Changed for Christmas)