

Mono County Tri-Valley Groundwater Management District

Post Office Box 936
Benton, CA. 93512

BOARD OF DIRECTORS

Carol Ann Mitchell, Chairperson

Phil West, Vice-Chairperson

Marion Dunn, Secretary

Richard Moss

Geri Bassett

Rhonda Duggan, Mono County District 2 Supervisor (Ex-Officio Member)

REGULAR MEETING AGENDA Final **Wednesday, January 26, 2021 at 6:30 p.m.** via Zoom

Important Notices to the Public Regarding COVID-19

In observance of recommendations by the Centers for Disease Control and Prevention (CDCP), the California Department of Public Health (CDPH), and local public health officials related to minimizing the spread of COVID-19, please note that this meeting will be conducted remotely via telephone and video- conferencing services. As authorized by Governor Newsom's Executive Order, N-29-20, dated March 17, 2020, members of the Board may attend and participate in this meeting from separate remote locations.

Topic: Tri-Valley Groundwater Management District

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AGENDA (Final)

1. Advisory Board (met on Jan. 6)
 - a. Appoint Dennis Murphy to the TVGMD Advisory Board (Hammil) for a term of 1 Year.
 - b. Advisory Board Report and Comment
2. Public Comment (on any matter)
3. Approval of minutes of the November 17, 2021 meeting (Attachment A)
4. Election of Officers for 2022
5. Brief Report of Director Activities
6. Resignation of Matt Doonan as a member of the Board of Directors effective December 6, 2021.
7. Appointment of Greg Allen (Benton) to fill an unexpired term of the Board of Directors with the term of office to end November 30, 2024.
8. Report from Board Representatives and staff on the Owens Valley Groundwater Authority activities
 - a. OVGA meetings and activities
 - b. Discussion on GSA request
9. Report on the January 11, 2022 meeting of the Board of Supervisors regarding OVGA withdrawal.
10. Review and possible adoption of the Board of Directors Rules as amended. (Attachment B)
11. Adoption of resolution allowing for continued virtual meetings under AB 361 (Attachment C)
12. CASGEM Program
13. Public Comment on any matter.
14. Adjournment to Wednesday, February 23, 2022, 6:30 p.m., in Benton(pending Covid-19 status)

"A"

MINUTES

MONO COUNTY TRI-VALLEY GROUNDWATER MANAGEMENT DISTRICT Regular Meeting of November 17, 2021 6:30 P.M. Chalfant Community Center

Chairperson Mitchell called the meeting to order at 6:30 P.M. on November 17, 2021. Meeting was held via zoom and in-person.

Roll Call:

Directors Present: Mitchell, West, Dunn, Duggan, and Bassett.

Directors Absent: Doonan and Moss.

Advisory board present: M. Cooke

Mono County Personnel in attendance: Asst. County Counsel Emily Fox, Planning Dept. Michael Draper

1. Advisory Board Comment: Michael Cooke attended the water trading seminar. He observed a general lack of confidence in GSA's to protect drinking water.
2. Public Comment (on any matter): none.
3. Appoint Gina Barsi to the Advisory Board for a 1-year term: Motion made by Director West and seconded by Director Bassett. Vote – all in favor. Director Mitchell to meet with Cooke and Barsi to explain procedures.
4. Approval of minutes of the October 2021 meeting: Motion made by Director Mitchell and seconded by Director Bassett to approve minutes as presented. Vote – all in favor with exception of Director West, who abstained due to not attending the October 20, 2021 meeting.
5. Brief Report of Director Activities:
Supervisor Duggan reported:
 - a. also attended the water trading seminar.
 - b. at recent Mono County Board of Supervisor's (MCBOS) meeting, notice of intent to award to AT&T a contract for construction and installation of telecommunications infrastructure. Contract is designed to improve connectivity of internet and cell phone service in the Tri-Valley area.
 - c. MCBOS have narrowed the field of possible redistricting maps to 6. The maps are all on the redistricting website. The final decision on the mapping will be made on Dec. 14, 2021. All choices leave the Tri-Valley area in the same district (District 2).

- d. there is nothing new to report on the "Apogee Farms" (marijuana) project.
- e. complete update will be sent out in her weekly update forum on Friday, November 19, 2021.

6. Report from Board Representative and staff on Owens Valley Groundwater Authority:
A. Report on OVGA meetings or other matters: Supervisor Duggan reported that there were approx. 100 pages of comments from the draft GSP public comment period. They will be reviewed and direction to staff given at the November 18, 2021 OVGA Board meeting. The public hearing for final GSP approval is scheduled for December 9, 2021, which is the date of the December OVGA Board meeting.

7. Letter to Director Matt Doonan regarding Board participation: Letter was reviewed and approved for submission by TVGMD Board, with the exception of changing the response due date to Monday, December 6, 2021. Motion was made by Director Dunn and seconded by Director Bassett. Letter to be sent certified mail with return receipt.

8. Public Comment on any matter:

Supervisor Duggan – expressed thanks to everyone involved in the GSP process for their hard work and time spent. The positive attitude to finding solutions for GSP and OVGA issues is much appreciated.

Director Mitchell – a total of 76 people attended the 2 public comment meetings held by the TVGMD and the October 20, 2021 TVGMD monthly meeting. The election of TVGMD Board officers will be held at the January 2022 meeting.

Assist. Counsel Fox – at the January 2022 meeting, will have documents ready to consider a resolution to allow for virtual meetings in compliance with AB 361. Also, to bring forth a letter for the Board to certify to the Mono County Election's Office regarding the TVGMD vacancy so they can schedule it for a general election.

9. Adjournment: Motion was made by Director Bassett and seconded by Director West to adjourn the meeting. The meeting was adjourned by Director Mitchell at 7:00 p.m.

Next meeting will be held on the fourth Wednesday of January 2022:

January 26, 2022
At 6:30 P.M. at the Benton Community Center

RULES OF THE BOARD OF DIRECTORS OF THE MONO COUNTY TRI-VALLEY GROUNDWATER MANAGEMENT DISTRICT

CHAPTER 1. ORGANIZATION

101. Powers and Duties of Board

The Board of Directors ("Board") of the Mono County Tri-Valley Groundwater Management District ("District") is organized pursuant to, and has those powers and duties granted in, Chapter 844, Statutes of the 1989 General Session of the California Legislature, which is more specifically known as the Mono County Tri-Valley Groundwater Management District Act ("Act"). In 2018, the act was amended in Sections 401, 402, 403, 404, and 802 of the Mono County Tri-Valley Groundwater Management District Act (Chapter 844 of the Statutes of 1989), relating to the groundwater management district.

102. Adoption of Rules

These rules, which may from time to time be amended, are adopted pursuant to Section 402 of the Act.

103. Manner of Action

The Board shall act by ordinance, resolution or minute order. The adoption of civil penalties for violations of the act, the creation of exemptions from the provisions of the act, the implementation of water management programs, the adoption of a schedule of fees on water export permits, and the creation and amendment of zones of benefit shall be by ordinance. The adoption of rules and amendments thereto and the establishment of regular meeting dates shall be by resolution. All other actions may be taken by ordinance, resolution or minute order as the Board deems appropriate.

104. Meetings

A. The Board shall meet monthly at a location within the District, unless the Board determines by resolution that more or less frequent meetings are suitable. Special meetings may be held outside the District in the discretion of the Board.

B. The regular meeting day and time shall be established by resolution. If any regular meeting day falls on a holiday, the Board shall provide for an alternate meeting date at a prior meeting, or it may in its discretion not meet in that month.

C. Regular meetings, adjourned meetings, special meetings and emergency meetings of the Board shall be posted or otherwise noticed and held in accordance with relevant provisions of law, including the provisions of the Ralph M. Brown Act (Government Code Section 54950, et seq.)

105. Quorum and Official Actions

A. A quorum of the Board shall be four members.

B. All official actions of the Board shall require four affirmative votes.

106. Officers

A. The officers of the Board shall be a chairman, vice-chairman and secretary-treasurer. The officers shall be elected by the members of the Board, shall serve terms of one year, and may be reelected at the first meeting of each year. Officers may be elected when a change in circumstances makes a director unable to complete duties of the office.

B. The chairman shall call and preside at meetings and sign each official order or other action of the Board as its chairman. The chairman shall sign each contract, joint powers agreement, or other agreement to which the District is a party. The chairman shall co-sign all checks and other financial documents issued by the District or to which the District is a party.

C. The vice-chairman shall serve in the absence of the chairman and shall carry out the duties of the chairman.

D. The secretary-treasurer shall record the minutes of each Board meeting and shall be responsible for maintaining the records of the Board, including its accounts with financial institutions, its contracts and other agreements, and its official actions. The secretary-treasurer shall co-sign all checks and other financial documents issued by the District or to which the District is a party.

107. Conduct of Meetings

A. An agenda shall be adopted at the beginning of each meeting of the Board.

B. The chairman shall call matters before the Board in the order specified on the agenda unless the Board, upon a duly adopted motion made at any time during the meeting, alters the order of business.

C. A matter on the agenda may be postponed or continued upon a duly adopted motion.

D. Agendas shall be posted on the District website, and the Mono County website.

108. Address of District

The Board shall select an appropriate street or post office address within the District as its official address for the conduct of Board and District Business.

109. Board Subcommittees

The Board may appoint such advisory committees and subcommittees as are necessary to carry out the business of the District.

110. Document Requests

The Board may charge for the reasonable costs of providing and transmitting hard copies of documents requested by members of the public.

CHAPTER 2. GROUNDWATER ADVISORY BOARD

201. Appointment of Groundwater Advisory Board

The Board shall appoint a Groundwater Advisory Board ("Advisory Board") as provided in Section 403 of the Act.

202. The Advisory Board shall have the powers carry out the functions described in sections 404 through 406 of the Act.

203. Each agenda of the Board shall reserve time for comment recommendations and reports of the Advisory Board, its committees or its members.

CHAPTER 3. PERMIT PROCESS

301. Permits

Pursuant to Section 706 of the Act, no groundwater shall be exported from the District unless the proposed exporter has obtained a permit from the Board which establishes the quantity of water which may be exported and the conditions of any such permitted export.

302. Reduction or Supervision of Groundwater Export

A permit for groundwater export may be amended to reduce the amount of water permitted for export, or to suspend such export, in the manner and for the reasons set forth in Section 707 of the Act.

303. Permit Applications

A. The Board shall adopt a groundwater permit application form which requires such information from the applicant as may be reasonably necessary for the Board to understand and evaluate a proposed groundwater export project. The Board may in its discretion require that supplemental information be provided before any such application is accepted as complete.

B. The Board may appoint one of its members to accept applications on its behalf, to determine whether supplemental information is necessary, and to recommend Board denial or acceptance of an application as complete.

C. Any application received by the Board or its designated member shall be placed on the agenda of the next meeting of the Board for appropriate action by the Board.

304. Schedule of Permit Fees

Pursuant to Section 506 of the Act, the Board shall by ordinance adopt a schedule of fees to be imposed on water export permits. The fees shall include (1) the actual costs of the environmental review required by law prior to action on the permit application, and (2) the estimated costs of administration, enforcement and reclamation in proportion to the relative amount of water to be exported.

CHAPTER 4. ENVIRONMENTAL REGULATIONS

401. California Environmental Quality Act

A. Prior to taking any discretionary act, the Board shall comply with the California Environmental Quality Act ("CEQA") and its administrative guidelines.

B. The Board may adopt such additional environmental guidelines as do not conflict with CEQA for the purpose of carrying out the business of the District.

402. Fees for Environmental Review

The Board shall require that an applicant for a groundwater export permit or any other discretionary action post such sums as are necessary to pay the complete costs of the required environmental review, including, but not limited to, the cost of an environmental impact report when one is required by law. These costs shall be made a part of any permit fee established pursuant to Section 506 of the Act and Section 304 of these Rules.

"C"

A RESOLUTION OF THE TRI-VALLEY GROUNDWATER MANAGEMENT DISTRICT BOARD OF DIRECTORS AUTHORIZING REMOTE TELECONFERENCE MEETINGS FOR THE PERIOD OF JANUARY 26, 2022 THROUGH FEBRUARY 25, 2021 PURSUANT TO AB 361

WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic, which Proclamation remains in effect; and

WHEREAS, on March 17, 2020, Governor Newsom issued Executive Order N-29-20, modifying the teleconferencing rules set forth in the California Open Meeting law, Government Code section 54950 et seq. (the "Brown Act"), subject to compliance with certain requirements; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, providing that the modifications would remain in place through September 30, 2021; and

WHEREAS, on September 16, 2021, Governor Newsom signed AB 361, providing that a legislative body subject to the Brown Act may continue to meet under modified teleconferencing rules if the meeting occurs during a proclaimed state of emergency and state or local officials have imposed or recommended measures to promote social distancing; and

WHEREAS, the Local Health Officer and the Director of Mono County Public Health have recommended that measures be implemented to promote social distancing, including the holding of virtual meetings of legislative bodies within the County of Mono, a copy of that recommendation is attached as an exhibit and incorporated herein; and

WHEREAS, in the interest of public health and safety, and in response to the local recommendation for measures to promote social distancing, the Tri-Valley Groundwater Management District Board of Directors (the "Legislative Body") deems it necessary to invoke the provisions of AB 361 related to teleconferencing;

NOW, THEREFORE, THE LEGISLATIVE BODY FINDS AND RESOLVES that:

SECTION ONE: The recitals set forth above are true and correct and are adopted as findings of the Legislative Body.

SECTION TWO: The Legislative Body has reconsidered the circumstances of the State of Emergency.

SECTION THREE: State or local officials have recommended measures to promote social distancing, including the holding of virtual meetings for legislative bodies within the County of Mono that are subject to the Brown Act.

SECTION FOUR: Meetings of the Legislative Body may be held 100% virtually through February 26, 2021.

1 **SECTION FIVE:** Staff is directed to return to the Legislative Body no later than thirty
2 (30) days after the adoption of this resolution for the Legislative Body to consider whether to
3 again make the findings required to continue meeting under the modified teleconference
procedures of AB 361.

4 **PASSED, APPROVED and ADOPTED** this 26th day of January 2022, by the following
5 vote, to wit:

6 **AYES:**

7 **NOES:**

8 **ABSENT:**

9 **ABSTAIN:**

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13 Carol Ann Mitchell, Chair
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