

DRAFT MINUTES

MONO COUNTY TRI-VALLEY GROUNDWATER MANAGEMENT DISTRICT Regular Meeting of April 26, 2023 6:30 P.M. Chalfant Community Center

Chairperson Mitchell called the meeting to order at 6:30 P.M. on April 26, 2023. Meeting was held in person.

Roll Call:

Directors Present: Mitchell, Allen, Puhvel, Parkinson, West, Duggan, and Bassett.

Directors Absent: none

Advisory Board present: Betsy McDonald, Dennis Murphy, Gina Barsi, Amy Saladin, Janet Barth.

Mono County (M.C.) Personnel in attendance: Assistant County Counsel (A.C.C.) Chris Beck

Director Mitchell noted at the start of the meeting that agenda item #4 would be held right after agenda item #1.

1. Advisory Board

a. Advisory Board Report and Comment – also see attachment #1a.

A.B. McDonald reported that:

We haven't had a meeting since the last report. The next Advisory Board meeting is scheduled for Wednesday, May 10th at 5:00 o'clock here in Chalfant. The agenda will be posted by Advisory Board members distributed via e-mail by Mono County Community Development Department. I've confirmed that process today and here's how you can make sure that you're on that list that goes up for Mono County. You go to Mono County website and on the bottom left of the screen it says keep updated with happenings at Tri-Valley. So you just put in your e-mail, you'll get an e-mail. And you just have to confirm on that e-mail that you're on the list.

Regarding technology, I've talked to IT at Mono County a couple of times. We'll be working together to get more effective hybrid meeting going for May's meeting in Benton. I don't think they'll be anything magical happening with that, but we at least will hopefully have some support and we've been talking through some ideas. I mentioned to them we would really like some actual in presence IT support at the locations to run the meeting and what I was told the starting point for that would be direction from the Board that that's what you want. So whether that has to come to a vote or you can just call them and say give us a person anyway, so that needs to be on the next agenda.

She also commented:

The decisions you make tonight, I don't have really have to tell you that going forward do not just impact your lifetime, but will impact generations to come. These decisions, actions and inactions, are critical to the water supply for residents, agriculture and for the health of

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this special piece of our planet. You guys all know how special this place is. I believe sustainability of the shared resource is possible if we humans are willing to listen, to learn and to compromise, and I include that in for myself as well as I see it, the only way to move forward is with the goal of working forward toward and win win solution for residents, agriculture and the ecosystems that rely on this shared resource. People have to be willing to work together to listen, to learn and to compromise. It's possible for this Board to leave a legacy, again, I'm not always going to be here, as sustainability, as stewarding the water underground that we all share. I hope you all see that as the ultimate and attainable goal of your work. Thank you.

4. Brown Act Workshop by County Counsel – please also see attachment #4.

A.C.C. Beck reviewed a power point handout and added comments.

We're going to discuss policy issues behind the Brown Act and our requirements for conducting this meeting every other week. Spirit of the public policy, the purpose, the spirit and intent of the Brown Act is that the public business is done publicly, but the public has an opportunity to comment and participate. But the meeting is still run orderly in that regard and there's certain restrictions that are allowed. I was on the Planning Commission 10 years ago and we had a meeting with 350 people came and wanted to comment, but to get to the people's business by actually discussing this conditional use permit that night we were lawfully allowed to regulate and limit public comment to one minute per speaker, or allow people to put together someone to speak on behalf of a large group. But the general rule is 3 to 5 minutes is expected to be allowed for each public speaker. If the board develops an actual policy, in that regard. So the first thing, does the Brown Act apply to this body? Yes, it applies to every single public body that's not the state of California. So any subsidiaries, the County City Planning Commission, Designer View Commission, School Board and Tri-Valley Groundwater Management District.

The Big deal is, what is a meeting? So any meeting that we have has to have both an agenda posted and available for the public 72 hour for a regular meeting. 24 hours before special meeting. That agenda has to have a clear and detailed list of what's going to be discussed during the meeting, and only those items listed on the agenda may be discussed at that meeting. Now that brings up an important point, which is the public comment section. During public comment, the role of the board of this board and Town Council Board of Supervisors is only to receive public comments, not to provide a response. The Brown Act is specific in that regard, that the only allowable response from a public body during the public comment is a short response something to the effect of I can discuss it with you after the meeting or we'll put that on agenda for a future meeting. The reason that we don't allow the back and forth is because the concern is that from the dius from the public body, is there may be argument and in doing that it may quell or quash the will of the public to participate if they feel that if I give a public comment and a public body barks back to me, I'm not going to comment any more. So that's the spirit and intent of why simply receiving public comment even up to the extent that if the member the public asked the question, if you're able to provide a short response, you know, when was Tri-Valley Groundwater Management District formed you can do that. If it's something complex that's going to be either an offline discussion by less than the majority of the board or to put on agenda for a future meeting; So that's why public comment has to happen the way specifically that it's required to happen and everybody does it differently every public body, but by and large, it's allowed at the beginning of the meeting, before any sort of action would be taken by the board, which is for the sake of what we're doing now a workshop about the Brown act, the Board is not going

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to take any action, but immediately following this we'll have public comment and then public comment can be allowed at any other time or item on the agenda. The reason we don't do it for every single one is that you may end up with duplicated statements, you may never actually get to the business of the body. So we have public comment and then on larger items like we're discussing tonight, we may open it again. But one of the things you clarify with the public is hello everybody here, we are going to have a public comment section where you can discuss anything within the subject matter purview of this Board. But then we're also going to discuss the composition of the Board of Directors. And if you'd like to comment during that section on that item you can reserve it there. So that all the comments are received at the same time.

The Brown Act stipulates essentially that any gathering of a quorum of the majority of the body where they discuss things within the subject matter purview of the body is a meeting. So even if you're at Starbucks, it still constitutes a meeting. The cautionary tale I always give every group used to be about this game of telephone, one Board member talks to another member and talks to another member and eventually you have a majority of Board members. Then it became e-mail forwarding where it said look don't forward e-mail because you end up eventually having a majority of the Board participating in e-mail discussing something that needs to happen on the record. Now it's social media and they have to tell people, look, if someone comments on something on Facebook and a majority of the Board members do it, you've had a meeting. So that's my big cautionary tale. The only thing I'll clarify is that there are some times when things don't need to be done publicly and the Brown Act from the government code specifically identifies those circumstances where closed sessions are offered to us and the best way to consider is it's very much like an individual. If something with prejudice, the legal entity by having a discussion publicly, you're authorized to have it in closed session. Things like exposure to litigation, discussing existing lawsuits with your attorney, real estate negotiations to buy or sell property, where if you do it publicly you're basically showing your cards, personnel matters, things like that. But, there's specific carve-outs in the Brown Act and, there's not a ton, but they do provide public bodies the ability to discuss things privately. The only other thing I will say is as it relates to records and public records, any document relied on during the public meeting becomes a public record. Any document that's provided from the public that's made available to the Board that's relied on becomes a public record as well, so just, so that's available and it's known that we want to keep those in the record, particular minute packets so that we have those in case they're ever requested by the public in the future.

In answer to a question from the Board, A.C.C. Beck added that, the Board of Supervisors does public comment it at the beginning of the meeting. But then there's a public hearing. By statute, public comment is allowed again. So usually items of greater concern and that's again why you speak with the audience so they know, hey public comment you can speak on anything within the subject matter purview of this body which is pretty broad if you want to talk about the war in Ukraine, that probably doesn't fall from the purview here. But anything else water related does, land use things like that, but if on a specific discussion to help the discussion and the efficiency of the meeting so the public body can get to the business of the body, I like on large items to say, OK, here's a general public comment from anybody that has general public comment. But let's hear all the items on the specific item just before we discuss the item. That's just a preference. From my standpoint, I've seen it work efficiently that way. But again, I've also seen when they have it on smaller boards, it's very small Boards, they have like 3 items approving minutes and we'll do it on each item because it

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doesn't prejudice the meeting, the ability to forward to conduct their business.

In response to a question about how the Mono County Board of Supervisors conducts their meetings, in terms of public comment, A.C.C. Beck responded:

So they did it at the beginning of the meeting. But then if there's a public hearing, by statute, public comment is allowed again. So usually items of greater concern and that's again why you speak with the audience so they know, hey public comment you can speak on anything within the subject matter purview of this body which is pretty broad. If you want to talk about the war in Ukraine, that probably doesn't fall from the purview here. But anything else water related does, land use things like that, but if on a specific discussion to help the discussion and the efficiency of the meeting so the public body can get to the business of the body, I like on large items to say, OK, here's a general public comment from anybody that has general public comment. But let's hear all the items on the specific item just before we discuss the item. That's yeah, it's just a preference. From my standpoint, I've seen it work efficiently that way. But again, I've also seen when they have it on smaller boards, it's very small boards, they have like 3 items approving minutes and we'll do it on each item because it doesn't prejudice the meeting, the ability to forward to conduct their business.

2. Public Comment – also see attachments #2-1 and #2-2

Kim Milliron - I'm going to be making a couple of comments. My husband, Curtis Milliron, is not able to be here today, so he wrote some out and I'm going to be reading those and sharing his comments with you. My name is Kim Milliron. I've lived here in the Tri-Valley area for over 20 years; my husband Curtis, for over 30 years. And in that time I've made many lifelong friends in this community. And I deeply care about this community. Practices I continually witness while driving along Hwy 6 corridor have me concerned about the potential impacts to this community. Water being dispersed into the air for as far as I can see and in the heat of the day during an unprecedented drought. Logic follows the question, is that sustainable?

Clearly we need a groundwater monitoring program to protect we the private well owners here in the Tri-Valley as well as sensitive habitats in the potentially affected Fish Slough. We need to be monitoring it now. The funding is there, there is a clearly laid out plan. Apparently the only thing stopping movement forward is a majority vote amongst you'll, including sending the letter that Director Puhvel wrote to encourage Mono County to take ownership of monitoring wells for Hammil. Regarding Board representation, it has come to my knowledge that if the 7th seat Board member is not filled ASAP, we will be waiting a year and a half before any progress moves forward. And is this correct? I'd like to know that. This is absolutely unacceptable if that's true. I demand that tonight we appoint Dennis Murphy, a residential well owner for that seventh seat. This is the only fair representation for the residents here in the Tri-Valley, where there are far more residents here than Ag users. The ambiguous wording for seat representation must be restated to represent we the majority of this Community. Stated, such as at least four members, are residents and owners of record of real property in the Tri-Valley and on this property there are no fixed extraction facilities capable of pumping at least 100 gallons per minute exclusive of domestic use. I'd like to express my gratitude toward the Board members and volunteers who are maintaining the directive of the Groundwater Sustainability Agency. I thank you for that and my hope is that we can all work together for all interests regarding this precious shared resource. And I'm going to follow up here with, my husband made some comments on the some of the plan here and it's the Tri-Valley Groundwater Sustainability Agency, the GSA Board of

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Directors is charged with facilitating the responsible use of the groundwater resource through management. Management could be to do nothing but that management decision needs to be based on information. This starts with gathering and maintaining data. To that end, we recommend the Board support the letter by Director Puhvel that Mono County take ownership of the proposed monitoring wells. If we have full cooperation and robust monitoring system, then real data would be the backbone of groundwater management plan and monitoring the effects of management actions would allow accurate and sustainable use of our shared groundwater resource. Instead, what we see is inaction by the legislatively empowered Board, even though there are clearly defined first steps stated in the groundwater sustainability plan developed by the OVGA. Concurrently, we also see an apparent rush to pump. Last summer, it appeared as though more water was pumped and dispersed through the air than any previous year. Numerous deep wells have been added with unknown consequences, and there are no data that are made available to guide management. Information to manage the groundwater resource is grossly unavailable. This undermines the ability of the management authority to understand accurately, model and manage groundwater for all beneficial users. Additionally, the following two proposed management actions identified in the groundwater sustainability plan should be developed and implemented. And the projects and management actions to achieve sustainability goals, action number one, well registration and reporting ordinance. The purpose to address a data gap specifically for the Tri-Valley Management area regarding well locations and pumping amounts. This addresses the current lack of voluntary reporting by major groundwater users. The Groundwater Sustainability Plan identifies the Tri-Valley Management Area data gap as high priority. SGMA requires the GSA to maintain a database of hydrologic and hydrographic data necessary to regulate pumping amounts or well spacing to prevent well interference or other impacts to private wells and Fish Slough, an area of critical environmental concern. This will provide access to groundwater information to all beneficial users. Action #2. Well permit review ordinance. Purpose is to maintain an up-to-date database of pumping wells in the basin. The Groundwater Sustainability Plan identified the Tri-Valley Management area as likely in overdraft, based on the current water budget using best available information and observed steady groundwater level declines over several decades. Conditions will worsen as many new deep Ag wells are now in service in Hamill Valley. How many more can the valley take? Are there ways to pump to reduce local impacts? So many questions and no answers insight. Some will not want to know these answers. Responsible management cannot proceed without knowledge.

Mike Godbe – hi everyone, I'm Mike Godbe. I've lived here for 20 years. I've been here full time for about four and I'm not going anywhere. I live here on the on the West side of Chalfant. I'm going to echo some of the things that Kim said. I'll reserve some of my comments about Board make up for that agenda item. So just want to reiterate, I add on Kim's comment about the letter that Director Puhvel drafted. This board has already voted to support having a groundwater model, and we're going to get the funding for it, I understand soon. So it just it just wouldn't make any sense to say you know, we don't want there to be these monitoring wells that, as I understand from the minutes we have the land is is there from BLM and we just kind of need someone to take ownership of it. The County is a perfect entity to do that. Speaking of the County, I'd really like the board to to kind of direct the County to try and make more meetings available on zoom. I do want to try to to get to Benton, but I also you know, work over 50 hours a week in an office in Bishop and it's it is hard to drive up and get up there by 6:30. And I would just really appreciate being able to

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attend and follow what's happening on zoom, and specifically, I would like to know if the County can provide a little bit of money for technology or the direction of how an IT staff here run Zoom that shouldn't fall to, you know, volunteer Board members to figure out or volunteer Advisory Board members to figure out. So, and we're reiterating that. Lastly, one thing of concern that I saw is that there was some discussion about expanding the possible representation of the Board to include people who don't live in the Tri-Valley. I just firmly oppose that. I want to tie this to a comment I want to make about the Board representation, but I think it's really tied to the same matter of representation on this Board. It just would be absurd, I think, to allow people to sit on this Board who don't live here and you know, see their own wells drying. And who would vote on that I think should be prepared to very clearly articulate how that would be a good or justifiable idea. Thank you.

Carol Ann Mitchell - I'm Carol Ann Mitchell and I am a resident of Chalfant and I've been a representative of domestic users for three decades on the Board of Directors. The Tri-Valley Groundwater Management District has been a 33 year experiment in local control of groundwater. I personally did not feel at the beginning of this whole conversation that changing the statute was the answer to the problem of the "at large" wording. I felt that the Board has the power to appoint a domestic user as was advertised under the current rules and to make that wording apply through our resolution. Rules are the rules and changing rules for one group may bring unintended consequences. Changing the statute through the Legislature in Sacramento may bring language changes that can hurt Tri-Valley. I went through the original process to get this district started and went to Sacramento to lobby for it, and you will not believe when you get into committee hearings, what will come up. And they propose the language and they are the force that will make the statute at the end. We can come in and say we would like it to say this, but it may not say that at the end of the process, which takes quite a long time to go through all the committees. A lot of this issue is kind of what I would call smoke and mirrors.

The current stalemate on the Board is truly about agricultural operators changing the makeup of the District so that they can have the majority vote. There have been previous attempts to have Ag control this District through Board seats. Agriculture was able to add in the original statute that we as a District could appoint a farm worker as a proxy to sit on the Board of Directors so that they can vote for a specific farm or ranch. This was eliminated in the previous statute revision. Agriculture also proposed a few years ago to add leaseholder farmers to the District Board of directors, this also failed. We have had three 100 gallon per minute users on this Board since 1990. Two other things came to mind to me after I wrote this and one was the Mono Farms application. Marty Andrews applied for the Board two or three times at the same time he was applying for a permit to export Tri-Valley water and sell it to US filter. The other was the OVGA. It has been also proposed by some Members of this Board to change the resident requirement in the statute. Such a proposal goes against the Sustainable Groundwater Management Act, which has local control at as a foundation at its core and it will most certainly shine a light on Mono County to the state. There are many more domestic users in Tri-Valley than commercial agriculture operators. Agricultural users are becoming more concentrated. They are drilling very deep wells. Domestic users are seeing the impact of over pumping sooner as their wells are shallower. Wells in Hamill Valley has fluctuated spring and fall since Wayne Hutton took readings in the 1990s. The problem today is recharge. Our recharge is less and less, every valley in our district has seen dropping groundwater levels for years. In the Owens Valley Basin plan proposed by OVGA, which is currently in a process to be approved by the Department of Water Resources, there

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are over 100 wells in Tri-Valley area that meet the definition as vulnerable by State regulations. As a Groundwater Sustainability Agency, this district must work towards a sustainable yield of groundwater within our boundaries. The Sustainable Groundwater Management Act, or SGMA, established a framework for local groundwater management. SGMA requires groundwater-dependent regions to halt overdraft and bring basins into balanced levels of pumping and recharge by 2040. We can no longer hide our heads in the sand that we have dropping ground water levels. At some point we may be required to develop a plan for sustainability. SGMA requires that agriculture have a voice in the process, which they have currently, and they will have a voice. This board is obligated, under its oath of office, to obey the rules of the state groundwater regulations. If agriculture gets the majority on this Board, we will no longer have what we wanted in this district, which is a democracy. It could be run by corporate interests who may not even reside in the Tri-Valley area.

Lynn Bolton - I'm Lynn Bolton. I live in Mono County so I'm not a Tri-Valley resident. But I do have concerns about Fish Slough, so my interest is protecting and saving Fish Slough, as the hydrograph shows that for the last 20 years the water table has been dropping in Fish Slough and it also had the northeast spring has had no flow this summer. It's flowing a little bit right now, but we're just coming into the summer. So I just want you to know that there are people who care about Fish Slough besides those who live in Tri-Valley. But it's a national treasure, so people know about it. From broadly across the state and throughout other parts of the Country. So just keep in mind that we need to protect that little piece of the world too. Thank you.

Peter Stickells - I'm Peter Stickles. I represent and own Zack Ranch and as Andy would say, I'm the big bad wolf. But I'm very excited to see all these people here, I mean it is an amazing turnout and I really appreciate everybody coming. I would like to change people's thinking, if I could, to not thinking so much specifically about the water situation that we have today. But what you want to see in this community in five years or 10 years. Because we are zoned Ag in Hammil Valley, so we don't really have a lot of choices right now in terms of what we can do with our land. So if we are going to look as Betsy says, we have to look at sustainability, then we also need to recognize that we need to change the zoning. We need to recognize how is Hammil Valley going to change in five to 10 years. So think about that and we're not adverse to that. But if we are going to be specifically Ag zoned then we can't be limited or restricted as much as Betsy would like to do in terms of our water because it takes a certain amount of economics for us to operate. And the comment that Carol made that that there's a further concentration of of Ag is actually not true. We have seen actually in the last three to four years a number of additional farmers coming in. Smaller farmers. You're sitting right next to one. And the the Moss family; those kids are are buying up land and doing farming. So farming is changing for sure. And it will change in Hammil Valley, but I would like people to also realize and that's why I think having 30 people here is fantastic. We are, what Zack Ranch is looking at is not farming for next year or the year after. We're trying to figure out where is this community going to be 5 years from now or 10 years from now. It may not be farming. So we need to start to recognize how we're going to change and we see that that is going to happen. That so I think that that needs to be part of the plan, needs to be part of the Advisory Committee thinking forward as to what you expect to happen in the Tri-Valley.

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Dennis Murphy - I think between the all or nothing Ag or no-Ag is a whole lot of room and then there has to be sustainability, can be. I don't think there's anybody in this room, who wants Ag to go away. All we want to know is that we're going to have water tomorrow morning, the next morning and for our kids and everything, that's all we want to know. We want farming to go full speed ahead as long as we don't have to re-drill our wells. So it it's not all or nothing. What has been bothering me allot is that every move towards more information, be it the geological study or monitoring wells we get, well anyways, it feels like dragging feet; feels like, you know who pays for it is going to tell us what to do with it. And all that we want is data. If we've got the data, and there's no problem of overdraft, then we're fine. Grow, grow, grow. But I don't want to redrill. None of us do. We just want data, we want to know, we deserve to know and anything that drags us down from getting data, in my opinion is gross negligence on the Board's part. Thank you.

Peter Stickells - I'd like to respond to that quickly. Let me make it clear that Zack Ranch is not saying it's all or nothing. That's not what we're saying. What we're telling you is we're being very upfront in terms of the economics of ranching. The economics of ranching is a very, very narrow business. Our margins are very, very small. So the the way that we try to be profitable is we try to be as economically efficient as possible. Now if you look at the history of Hammil Valley, which is really, really important to understand, if you go back, let's say 20 years ago, you had people growing garlic. You had people growing potatoes, you had people growing carrots and you have people growing alfalfa. If you sit here today and you see who is here now, who is farming in Hammil Valley now, it's alfalfa. Why did the carrot guys leave? Why did the potato guys leave? Now this may astound you, but you should think about this. I don't know is there anybody in this room that can tell me how many pounds of carrot comes from one acre of ground. Anybody have a guess? Nobody? How about the baby potatoes that you all get in microwaveable packages? How many pounds? Dennis –

Dennis Murphy - I don't know that I care. I just want water. And what I don't get.

Peter Stickells - I'll answer the question. Approximately 75,000 pounds of carrots come from an acre of land. About 75,000 pounds of baked potatoes, of which they're selling at the foods, at the market for four dollars a pound. We are, if we're lucky can get to 60, 6 tons per acre. We don't have the margins of the potato guys or the carrot guys. And they left. They don't. They don't operate here because it's not efficient enough for them. So think about that. If Zack Ranch had the ability to change into a more profitable crop and use less water, we'd be doing it. You see people putting in pivots, we have pivots. We are trying to be as efficient as we possibly can, but when you go up and down the valley from, let's say the Owens Lake all the way to Benton or Mono Lake, you see two operations. You see cattle and you see very little alfalfa out. But there is alfalfa here, but it's cattle and alfalfa. You don't see any other operations. A little bit of lavender there, which is interesting and bees. But they're very tiny. They're cottage industries. So when you, we're not saying it's all or nothing. We're saying we recognize the future. We see the future and the future means that we're going to have to change and that means we're going to have to look at zoning and how this community is going to change and I'm just saying, with all these people here, it's great. It's fantastic. Get the word out. You've got to think about how this community is going to change. It's not about water. It's going to be about what you want this Community to look like in 10, 20, as Betsy said, the legacy. It's not about water, it's about economics and farming will decide whether it can profitably work here or not, and if our restrictions are tight we won't

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make enough money and we won't be here. But we will want to use the land. In some other form of fashion. And that's what we have to start thinking about.

Kim Milliron – Does that care about us here? It doesn't feel like that's caring about us.

Peter Stickells – that's why we brought it up.

Eddie Trimmer – I'm Eddie Trimmer. I live in Big Pine. I don't live in the Tri-Valley. But I do live in the Owens Valley and have been very concerned over the years as we've lost Springs, one spring after another. We could name them, you know, Fish Springs, Sealy Springs, Black Rock Springs, what others? Several, Pine Springs. Fish Slough is one of the remaining ones and it should be valued for the for the essential values and ecological values it provides. I don't see how more information will harm your vision of looking into the future.

Peter Stickells - We haven't said anything about more information.

Eddie Trimmer – I'm not finished, OK? I think that the information is about water and whether you admit it or not water availability is tied to the economics of operations and to how people conduct their lives. So I don't see, all I see is that there's a group, seems to be a group of people who don't want to know certain facts because they. Because of how they feel that might impact decisions that will affect them so and I don't know how you can ignore such essential information as water availability, especially when you see declining water tables in the Tri-Valley. Well, thank you.

Chris Beck – I'd like to make just a brief comment to bring this forward. A brief response that we have heard from the State that the agreements are coming through for the groundwater model. We haven't seen them yet, but they're coming. Apparently the money's been awarded. I don't know who they called, they made it somewhere through the County. So an agreement will be coming from Mono County to Tri-Valley for the future, you know probably the next meeting just, because I know there have been questions about what status. What that is. I found out today that that's the status.

Peter Stickells - Just one quick follow up. I I just I don't know if people in this Community actually know enough about Zack Ranch. But Zack Ranch has been actually very concerned about the community. I'm very concerned about Fish Slough and I don't know if it's recognized that Zack Ranch actually traded land in Fish Slough for other land in Mono County to help save Fish Slough. And this was done in 1979 and 1980. So we've been down that path and we continue to focus on the environment and in the community. I'm excited the fact that everybody's here and I'm letting the community know, hey, we've got to look forward, but we have tried to protect Fish slough and we continue to focus on Fish Slough. But we traded land in 1979 and 1980 to set to save Fish Slough.

Dennis Murphy - Thank you for the saving Fish Slough effort. We don't want the complexion of the valley to change and my understanding, the people that I talked to, in my opinion, we just want to be sustainable. I'm very curious. We know there's deeper wells being drilled. Bigger, fatter, deeper straws going in. If there's no problem, you share the data that was taken to make that business decision. Maybe we have nothing to worry about but we don't know. We just want to know, it's not fair that we don't know because we're betting our

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lives on it and it's just not fair not to know. So rather than talking about land development in the future, tell us why we don't have anything to worry about. Share the data that you've collected to drill the wells. I just want to rest easy. I don't want to wonder, I don't think anybody does. Thank you.

Peter Stickells - OK. You want us to share the information on wells? We have drilled wells in the last 10 years that have replaced wells that have gone bad for us. In other words, and I don't know how much people understand about wells, Don Moss, who is running for the Board, as well has a great deal of hydrological back ground. The issue with wells, as you may find in your own domestic wells is that they coat up with bicarbonates and the the openings of those wells are not as open and so you may have a well that's pumping, let's say 100 gallons and after a while that well may start pumping only 20 gallons. So if you're paying a certain amount for electricity, you want to be as efficient as you possibly can. So we have replaced older wells with newer wells. Now it's true that there are other people in the valley as well. It seems with Andy, there's only one farmer in the valley, but there are many farmers in the valley. And the numbers that Andy has in terms of our acreages is incorrect in terms of what we we do, however we look at the economics of whether we need to replace the well based on the cost of operation. And those wells may be 20-30 years old and we have to put in newer ones.

Dennis Murphy – Deeper ones?

Peter Stickells - They are not actually deeper. Sometimes they are, sometimes they're not.

Kim Milliron - What would be the depth of them then?

Peter Stickells - The depth of our wells, they can be anywhere from 400 to 700 feet. I will say depth is not the key to a well, that's actually not the key. The key to a well is your pumping levels and things of that nature and those have been rather steady for over a decade.

3. Approval of minutes: January 25, February 15, March 15, March 22, and April 3, 2023 meeting minutes. *February 22 meeting cancelled.*

After some discussion about part of a comment during the February 15, 2023 meeting, the minutes were approved based on a name change in the February 15, 2023 minutes. Page 10, line 5, "Zack Ranch" is to be changed to "No-Name Farm". A motion to approve the minutes based on this change was made by Director Puhvel and seconded by Director Allen. Vote - ayes – Directors Mitchell, Puhvel, Allen, West, Parkinson, and Bassett.

Nay – none.

5. TVGMD Board of Directors

a. Public Comment on Board composition.

A.B. McDonald gave an Advisory Board and then public comment .

So when I look at this board, this is about Board composition, I see people who are here voluntarily who give up their time and effort to be here for all of us. And you know, I see people of varying backgrounds and beliefs, I believe I mean, I don't know you all very well but that's just who we are as humans. Right? So, and I also perceive, but also it's true that you have certain positions on the board. So it's my perception that Phil, Greg and Ed are

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representing Ag, which theoretically you are and Carol Ann, Andy and Geri representing residents. So that makes sense. Not that you're not all working together to make this happen for our valley to make sure that we are healthy our water our underground water is healthy.

So I perceived that this board is at a three to three vote right now because we are lacking a seventh person. So in some important matters that are going to be coming up, maybe not. But that's just sort of my fear, I guess you'd say. Some of the interests seem to be at odds, although they don't have to be as we work together to make this happen. So my thought is if the Board tonight appoints Don Moss to a seat, who's a very qualified candidate, that should be representing resident interest, which is what the opening is, the Board will be heavily skewed toward Ag. Again, this is my opinion. And a huge part of this issue is due to the ambiguous nature of the statute or the legislation where technically people with Ag interests or as the legislation reads, have wells that can pump over 100 gallons per minute. But as long as they also have a domestic well, they can apply and hold all seven seats on this board, I mean that's theoretical. But it's possible, and I believe Chris County Counsel had read it, that way as well. So there are over 1100 residents in the Tri-Valley area and roughly 6 to 8 properties that are productive agricultural lands with the capability of pumping over 100 gallons per minute of groundwater. Fairness and representation on the Board is essential for public trust in this Board.

Betsy McDonald - I urge the Board to appoint Dennis Murphy to the open seat tonight. So we have two highly qualified candidates that are open at large seat on the Board. So Dennis does not have an extraction well on his property. He showed commitment to the Tri-Valley Board with his service on the Advisory Board for over a year, attending nearly all meetings over this time period, including zooming in after hip replacement and those issues that the Board faces. His answers to questions from the Board at a previous meeting a while ago clearly showed his thoughtfulness, intelligence, business acumen and commitment to Tri-Valley Groundwater Management District, fairness, consideration and willingness to learn as much as possible about all matters pertaining to groundwater in the Tri-Valley. Our other candidate, Don Moss, again highly qualified, did say at the last meeting that he's planting, plans to produce agriculturally and does have a well with capacity to extract water at 100 gallons per minute. As far as I know, the January 2023 meeting was the first meeting he's been to I mean he's been working out town so that makes sense. But, he has attended most meetings since, so again, let's fill this vacancy though with the person who will represent the majority of the population of the Tri-Valley area as a resident kind of the spirit of the of what the seat is supposed to be for. So thank you for listening to my thoughts about that.

Dennis Murphy - I'd just like to reiterate that I'm not anti Ag, I'm pro Ag, but I'm not but I know the residents the majority need to be represented, I want to be represented. And it's an interesting situation. We have a shared resource that some of our neighbors are making good money on. We're not opposed to that. But we have, in my opinion, we should have the right to know what the effect is on us of our neighborly shared resource, that's all. I love the growing here. I just want to be, everyone be clear that I am not anti-Ag at all, I'm pro-Ag. I just want to make sure we don't run out of our shared resource.

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Mike Godbe - Mike Godbe again, but first qualification or just a question for Chris. When it comes to when it comes time for the Board to vote on appointing someone or not appointing, can you layout the guidelines like what happens if there's a three to three vote? Can we have endless three to three votes? You know it can be here till midnight or you know what does? At some point, does it end? And then we're stuck in a standline? Like can you just kind of explain what the Brown Act requires on that?

Chris Beck - So technically we can go forever and ever within the Brown Act again, the intent is that the public has an opportunity to participate, which is why for meetings like this we wouldn't want to go to a midnight because people get tired. People have to go home, have difficulty driving. The other issue is, so I should provide the point of legal clarification that and when there's a vacancy on a special district, this body specifically included, Government Code 1780 controls and that says within 60 days of the vacancy, the Board has to, can, either set an election date to fill the vacancy or make an appointment. If they don't do that then, within 30 days after that the Board of Supervisors is allowed to jump in and make an appointment. If nobody is acting within 90 days of the vacancy it automatically shall, pursuant to the code, go to the next election. I'm not sure when the vacancy occurred, if we're past 90 days, it shall be an election at the next election.

Director Bassett - That vacancy is effective November 30th of 2022.

A.C.C. Beck - OK. So we'll go over the next election. The Board lacks the authority now, tonight to make the appointment and the Board of Supervisors can't either.

Director Duggan - But also what I think is clear is who, when this comes before on the election, who is placing the names on the ballot.

A.C.C. Beck - And so I requested from our clerk to confirm that we are going to have election in November. And then they will go through the normal process of publicizing. And then each individual is going to place themselves on the ballot and just those within the district would have an opportunity to vote.

After some discussion, it was confirmed that the vacant Director A position would be put on the next November election, either 2023 or 2024. There is another special district in a similar situation. At the appropriate time, the Board will notify the elections clerk of the need to put a position on the election. Interested parties can file the paperwork to be put on the ballot and the registered voters of Tri-Valley will vote on the candidate(s).

Mike Godbe - It's extremely disappointing that we can't vote on that tonight and that we've kicked the can down the road so we can't vote on it. That said, I do want to just acknowledge that you all are volunteer Board members and I really appreciate your service and coming and you know, so I'm not trying to cast blame, but it is disappointing that because of the past actions at the previous meetings we're now in a position that we can't take action and as I understand, the statute doesn't require it doesn't it requires four voting members. So we're really in a tough spot with having seven people. I'll really urge the Board to take action on that to move forward. Sounds like we can get something rolling, possibly in as little as four months. So I would urge that the Board take action tonight to do that. I hope that's a unanimous action that the Board takes. This issue of representation is

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yeah this is really critical and I just have one thing to add, some of which is repeating stuff but, you know, they've been talking about a lot of fairness and equity and I think the numbers, you know that if they're accurate and I don't know. But the 6 to 8, you know, in production properties versus about 1100 residents. Let's be clear, the Ags represented is disproportionate. And that's not changing and I mean in a way that's a fit for here I mean to have them established Ag representation on the Board. But if Ag just gets three seats, that's a very strong and disproportionate representation and so let's not pretend it's not. Thank you.

Peter Stickells - So I just wanted to comment in terms of what I think that the Board needs to be looking for in terms of adding what type of a person right now. So I don't know how many of you, I know that Lynn Bolton did and I know Betsy was there and Geri was there. I know supervisor Duggan was there for many of the late meetings but from about 2015 until the OVGA actually got its plan finished, there were monthly meetings being held and I attended as many of those monthly meetings as I could, except during the summer. And one thing that I think that this Board is going to need to add is that we don't have a lot of hydrological background on this Board. Now if you look at that whole process, of that OVGA, of the plan being developed and you look who was on that committee as well as the consultants that they had and the Inyo water department as well. There was a great deal of experience in terms of hydrological background. So you know in my mind and what I said in January at that time was that we need someone that's going to join this Board that has a lot of background in water. I know Don hasn't gotten up to talk about this, but I know Don's background in water. He has managed or is responsible for managing many of the hydro. plants here. And he has a great deal of knowledge about the water in the Tri-Valley. And so I think what we need in the initial period of time here over the next couple of years is we need water background and we need someone that can work with the consultant that will be doing the plan that seems to be, that we will be getting funding for and I actually believe that Andy is going to be very good at this. Andy is a very analytical guy and he will be very helpful, but I think we need water background, especially to get through the next couple of years as we start to develop a plan and a plan is going to be very important for us, it's going to be important to understanding what is going on in the Tri-Valley. If you go back to Andy Zdon's paper, it is stated in that paper, it's theoretical still. We don't have the information as to knowing exactly what's happening. We're not against that. We would like to know too. We'd also like to know what is DWP's influence in terms of pumping and Laws and how that affects us. So there's a lot of questions here. But getting someone that has some water background, at least for the next couple of years as we go through this plan, it's going to be really, really helpful. Dennis has got a great business background. I appreciate that. But what we need is a water background. I mean, we don't have the Inyo Water Department to be sitting there on this committee helping us through the process. That was there when the OVGA was doing it.

Ted Carlton - My name is Ted Carlton. I don't live in this area. But Rhonda, I don't mean to put you on the spot, but from what I heard this Board had 60 days and then after 60 days there's a 30 day window where the Board of Supervisors could have taken action and got someone in this position versus waiting 8 to 10 months. Why didn't you do anything?

Director Duggan - At the meeting, this was what we were looking at doing at the meeting. If they had come to an agreement and through a series of canceled meetings

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and meetings that were not available to make this happen the time lapsed because at the last meeting that I attended in February, there was a vote and then they had chosen a member and then at going forward from that, there was question whether that member was actually qualified. So now it has gotten to the situation where the time lapsed they weren't able to meet and get together and get a quorum in order to do this. So now going forward, we do have an opportunity and what I was going to share with everyone is that, should when the Board decides to go forward, then it becomes part of the clerk's job to gather the information, who's eligible to be on this there and how that process happens for anybody that's interested, because that is something that I've done before and they'll tell me what the criteria is, how to get on the ballot if you're interested here.

Betsy McDonald - Can I just make a correction to that? It wasn't that somebody was not qualified, it was that there were only five members of the Board there. It was three to two for Don, but then it was realized at some point that the statute says they need four votes to pass anything.

Peter Stickells - And it was not the February meeting, it was the January 25th meeting.

Director Duggan - Yes, because the February meeting I was not in attendance I was in D.C. It was very tough and there was a lot of technical questions at that meeting, I think what I probably should have said was eligible. And from what the regulations were, there were questions about eligibility through certain areas. Because I do recall the discussion and from the minutes being part of just is this person eligible because of their status of whether they're residential or an agricultural well.

A.C.C. Beck - So I want to speak to you as far as why the Board of Supervisors can make the appointment or didn't make an appointment. The reason that's included in the code is really just to fill it if you don't have enough members to meet a minimum voting requirement. Some public bodies get down to three people because nobody participates and so they give that backstop, The Board of Supervisors is broken up by district. They will make an appointment just so they can get business done. So they can call an election for the remaining seats. It's not standard practice. Because you have really one supervisor that's particularly represents this district, all represent the County. But if it were the case where there were not enough people on the Board, you would have four of the supervisors that aren't familiar related to this district making a decision on behalf of you who live here or operate here. So it really is a last ditch effort, not the preferred. The preferred is in the point of staying within 60 days, if not, it goes to the public, really, the populist for election. There was one person, one vote, and your versus card. It's you're right.

Ted Carlton - The three or four and the two were. I want to know who who voted what?

A.C.C. Beck - Well, they can get you that after the meeting. Let's keep the comments that we can.

Ed Parkinson - Somehow this is got screwed that there's more Ag representation if Don Moss is brought in as a domestic well. That seems to be the big issue and I don't know how that issue came about. I, for one have 100 gallon per minute well, I'm not a producer. I don't do Ag. I don't raise alfalfa. I filled the position because I have 100 gallon minute

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well. But I also have domestic wells. I'm here for the people and the community, not for Ag, not for this. I don't know why this keeps coming up. It makes absolutely no sense to me. And it's rather disappointing that everybody's pushing this Ag thing. He applied as a domestic well owner, he has a domestic well. He also has an Ag well. I'm on as Ag, I also have a domestic well. I'm here for both sides and that's what everybody should be is here for both sides.

Director Mitchell - OK, we're still on public comment and then we're going to go to a Board discussion. And during the Board discussion, I would appreciate if people do not interrupt the Board's discussion. OK. All right, who would like to speak next?

Greg Allen - I am the only agricultural person actually that's on this board. I'm the only producer, very small. As Ed said, it's become an issue where it's basically we're looking at agricultural versus domestic and this debate it's like politics in the country. We've got this division. I keep hearing people talking about data, talking about knowledge, wanting to gather the information. My understanding my knowledge, there's one person in this room who understands it better than all of us, and it's the individual that was voted on and put in. He had an hydrological background. We talked about isotope studies. If I remember correctly he said, yeah, we deal with those all the time. So we're really looking to gather correct information. We're looking to gather the actual data, facts. Not what we want to think is right. Not what we want to think is wrong. If we want the information, we need qualified individuals on it. So what we did is when this came about and it was exactly that. We had that Dennis, who has done a great job for us, nothing against Dennis, we all like Dennis. An individual came up as a possible person onto the Board who had a background in hydrology and working with water, water models, isotope studies, etcetera. And it's like, OK, this was a no brainer. This guy has the information, the knowledge, that we don't. I don't know an isotope study, I don't know how to do that. I'm guessing that probably nobody else in this room could do that either, so this is where I keep strongly pushing let's look at the individual and the qualifications of the people that are there. The point that I bring up with the Board and with you the public is if you look at the composition of this Board, yes, there's three things that say 100 gallons a minute. We keep using the term agriculture. As Ed said, he's not an agricultural producer. Phil had a background when he was younger in it but he is not a producer either. So we need to look at apples and apples. Oranges to oranges. We need to see what the actual reality of the composition of the word is and it's seeming that we're saying it doesn't really matter as long as we have the right balance of the Board by what the people's name say, that's going to influence the Board. Is that really what we want or do we want correct information? If we get a water model and I think Andy kind of said the other day, you know, Greg, he said I'm kind of hearing what you're saying. You know, Andy obviously is very concerned about his well as I am with mine. But if we really are looking at getting the information. They come back and they say, hey, you got serious overdraft problem. You're wells are dropping, your recovery rates are down. As Peter stated correctly, it isn't necessarily depth of wells, it's recovery rates, it's how many gallons a minute. There's a whole complex that goes into wells. You have a big well, you better understand it because they're expensive. And so when you look at those numbers, what is it that's going to best serve this Board is an individual that can give us the correct information because if they come back and say, hey, we got a serious problem. We did an isotope study. We're putting isotopes in here. We're seeing these isotopes coming out here. We know where

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the water is going. We know then we're impacting this area by this, that's the information I think we all want. We want information that says that hey you've got a problem. You are overdrafting the valley; about Hammil's being overdrafted, Chalfant's being overdrafted, no, you've got this issue. Then we can deal with the issue. So to me that's the part we need to look at is what are the facts and what is going to give us the best information to be able to move forward as a Board, as an Advisory Board to take that information and say, hey guys, look, we did a study, we have this information here. What are we going to do with it now? And so I think that's the part that we've come down to is we need to look at the qualifications of the individuals. I don't have qualifications. I'm not somebody that can read these water models. I'm not somebody that can read all this stuff. So if we can get somebody on here they can do it, hey, I think we're much better off because then we have actual information.

Andy Puhvel - I agree with almost everybody I've heard, very eloquent people and Greg. Everybody's has spoken super eloquent. Everyone has very valid points. From what I understand now, this vote is going to an election, so I know Don's a very qualified candidate. I know Dennis is a very qualified candidate. I believe this Don-Dennis issue is moot at this point. And we are going to an election. As we all know, as Americans we read our election pamphlets and we decide on who we research as in depth as we'd like to about these people as we can, we vote. That's going to be determined by the people of Hammil, of the Tri-Valley. So what I'm interested in asking the public here because this is something that we've been, as Board members, struggling with since our January meeting is this dichotomy that Ed pointed out that Greg pointed out. That this whole Board was founded on legislation which defines the four and three as 100 gallon per minute non and 100 gallon per minute and that is where the discrepancy. While we're stuck at 3 and 3 occurred earlier this winter because it turned out that you actually can have 100 gallon per minute to also be considered as a domestic user. And we've been trying to rewrite the language to come up with something. What I did is I took the most the language from Article 4 in our bylaws and simply made it as, with a addition of 1 sentence that says a domestic user cannot have an 100 gallon per minute well. That's as simple as I could do it without changing the language; without adding my own language, to preserve what we all thought was the differentiation between a domestic user and agriculture user. I understand that currently we don't have producers even though they do tend to represent agriculture, but they do have 100 gallon per minute wells. So I'm looking for ideas on how we can define this Board because outside of the election we've been saying this is if this Board is ever going to function, which it hasn't been lately, it's going to take defining those parameters as to who is on the Board. Otherwise, we're going to go in circles forever, and that language is going to outlive all of our four-year appointments. Maybe not Carol Ann. She's going to be here, so I opened it to suggestions on other ideas from, you know, from Ed. You know, you brought it up. From Greg, and how do we ensure representation in the spirit of what was established years ago, which was the four and three, which is what we were all under the guise of.

Director Mitchell - And I think over the years what has happened is we went five years advertising for Ag positions and no one would apply. And we had problems with quorums for years, getting a quorum. And so the Board in their frustration asked Ed and Phil to take a position and it went through the Legal Counsel of Mono County and they said yes, they qualify and that's where we came to the position that we have. What we need to do is to

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get some interest from other agricultural producers here. We need to invite them.

Mike Godbe - Nobody ever says to, you know, think about Inyo County, to Jan Roeser, to Jeff Griffith. You don't have any right to tell DWP what they're doing? You're not hydrologists. I just I just want to say the object here is you guys are supposed to be a representative body and I think it'd be great if I if somebody with water expertise ended up on the board. That said, I think is much more important that's representative of people who live here. The people technically, I mean, the whole Inyo County Water Department, you know, they write reports. There was a water Commission meeting last week where they were reporting, there's a whole the people who write these reports are very good at writing a little paragraph at the end. It says these isotopes are the same as these and that means that this water is the same as that water. You don't need to be a hydrologist to understand what's happened to water, but what you also don't need to be a hydrologist to understand is that Hammil's dropping at 2 1/2 feet per year and Chalfant is dropping at a foot per year. And this is a low income most residential people with shallow wells and that's what people are going to feel it and we don't need expertise. I welcome expertise. It's not important for the decisions that you guys have to make.

Dennis Murphy - I think Greg, you brought up an important point with tearing our country and everything apart. Is it to you or me? It should be you and me and you know, whoever gets on the Board doesn't mean the other person can't be part of it advisory or whatever the expertise shouldn't go away because they didn't get elected. So I invite inclusion here, and I also think that that the residents should have a fair representation and it won't take, a whole lot more than understanding well status, you know, plus minus and the and the rate over time and that doesn't need hydrology. But we welcome the hydrology for the bigger picture and it's really hard being neighbors and having these discussions. I don't want, you know Don's new to the hood and I want to taste his garlic soon and here I don't want to be at odds with you. I'm not. I'm not. I really want you to succeed well, as long as the shared resource is not bad. But the inclusion is really what I want to hit on is, I hope Don and I hope your expertise is available to the vacancy going forward.

Lynn Bolton - I would just like to put out there that for hydrology expertise and Mono County might be needing to have a hydrologist as part of their staff one one of these days. So it's possible too. But that might happen or could be pushed or asked for. Also, maybe you could ask the County for enough money to hire a hydrologist to be just helping educate and guide, consult. So there are other options for getting that kind of information out there.

A.B. McDonald - That was great information and you guys can't appoint a person, but the Advisory Board can welcome applications and we would love to have Don serve on it. Well, I shouldn't say that, you guys would have to approve, but we welcome applications. Especially from people who have expertise because that's what I think you know we need more of that on the Advisory Board going forward for right now anyway, so thank you.

- b. Discussion from the Board on possible language changes to the District statutes regarding the domestic and 100 g.p.m seats on the TVGMD Board of Directors.**
Also see attachments #5b - 1, 5b - 2, 5b - 3, and 5b - 4.

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Director West – Well through all of our discussions and then some additional thought. So many of us over the years, and I'm sure there's people in this room that are residents of Inyo possibly work in Mono County. Residents of Mono County who are who work in Inyo County. I'm very protective of the original wording of so that somebody that who is completely disassociated with the area can be a proxy voter by virtue of leasing their Ag or domestic or whatever to somebody else, and that person has to fear of losing their lease or their rental agreement if they don't vote or proceed the way that their leaseholder wants them to. So, looking at that looking at Article 4 what I have thought of to add is in Article 4 and subsection 3, it states three members shall be residents of the district. And what I proposed, three members as it's written now. Three members shall be residents of the district and I added "or who have permanent residence within Mono or Inyo counties whose primary agricultural production is located within the Tri-Valley District". End of my addition, who are owners of record of real property located within the district and on which property there are extraction facilities capable of pumping at least 100 gallons per minute. So in other words that would be an actual agricultural producer and down in section F, my thoughts were, starting on well, it would be line 4 exception to item 3 above for appointment purposes. Those who reside within the district and/or Mono and Inyo counties and maintain active agricultural businesses within the district, parentheses, with the realization that the operation is a crop based operation that is operational growth season based on climactic seasons of growth, not based on not based in animal husbandry, shall receive primary consideration of appointment to non-agricultural based owners of wells that are capable of pumping at least 100 gallons a minute. So in other words the actual Ag producer would get a preference when it come to an appointment would get a preference over the person who just is not an agricultural producer but merely has 100 gallon per minute well. My domestic well can produce well over 100 and well, it was it can produce 120 gallons a minute, and that's a domestic well, that's our domestic well, not our 18 inch case well. So those are my thoughts.

Director Bassett - So basically the top part has the existing language, bottom part is my suggested revision, section 401(a). Number one is the same existing versus recommended. #2 changing, basically adding the second sentence saying these members shall have a well or, in parentheses says extraction facility, for domestic/residential use and not be an agricultural producer. Then the last sentence is the same. Then in number 3, which is the 3 members shall be residents of the district etc. Extraction facilities capable of 100 gallons of minute exclusive of domestic use. And then what's added is "whenever feasible", which is just a little bit more wiggle room versus possible because technically anything is possible, these members shall also be an agricultural producer. And then the last sentence is the same, and then the rest of the statute would remain as is. And I just thought that that solves the issue of having Ag producers instead of just 100 gallon per minute well, whenever, basically whenever they apply and they meet all the other requirements.

Director Mitchell - I basically my concern is I can foresee a time where people from different areas come in and buy a ranch and get on the Board and not live here. And that is, I don't think it's fair to the, to the residents and I don't think it would be a very tenable situation. So I added I I really like Geri's but I added to mine this one sentence that the member shall be elected from within the district. The boundaries of the district and meet

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the requirements of the California Elections Code 349 B which states the domicile of a person is that place in which his or her habitation is fixed, wherein the person has the intention of remaining and to which, whenever he or she is absent, that person has the intention of returning. At a given time, a person may only have one domicile. But I like what Geri came up with. I think that's excellent.

Director Puhvel - I really like what Geri came up with as well. I feel that the term agricultural producer is something that we've all talked about and it includes 100 gallons in Section 3, but it also really talks about whether or not someone is producing for both sections 2 and 3. Yet I also like Director Mitchell's addition. The simple clarification of the domicile of the person regarding California elections code and I do agree that I do not think based on what I've heard from the public tonight, that Board members should be eligible if they did not reside within the district.

Mine was a lot simpler. Mine said four members shall be residents of the district where the owners of I'm sorry, it might change was instead of saying four members shall be residents of the district four owners of record of real property located within the district, these numbers shall be elected at large from the district instead. As four Members shall be the residents of the district, where the owners of record of real property, located within the district and on which property there are no extraction facilities capable of pumping at least 100 gallons per minute exclusive of domestic use. So that was my only addition and I based that on how they defined the agricultural positions in Section 3, which was on which property there are extraction facilities capable of producing at least 100 gallons per minute exclusive of domestic use, so that I took the same exact differentiation that they chose to define what it means to be an AG user in this language and said well then the other four are ones that are not users and that was it, was a simple use of the legislative language that was already there, but I do like Geri's more.

Director Allen - Yeah, I would make a motion to give us until the next meeting to kind of digest this, look it over we can't do anything to move this forward anyway until we do an election, give us some time to kind of digest the information. I do like what Geri says definitely. I like what Phil says and what I like with the aspect of Phil's is that when you're, you know, the way he worded this and this was a discussion we had was the fact of not, because he was very protective, do you remember that meeting he said, I don't want to see somebody from Bakersfield come up here, plant a crop and basically suck the valley dry. Because the leasing land.

Director Mitchell - That's the exact same concern I have.

Director Allen - Leasing land did something and then it goes on. But then he said, you know, when we do have individuals who do operate in this area who are owners of real property who pay taxes in this County. That are 10 miles down the road. Should they really be precluded from being on this? Though their residence might be over at the county line. Their operation is here and so that's the part that I really look at it and I go to me, that's equitable. When you have an individual who's paying taxes in this area. You know they own the land they're producing the land, they are paying taxes on that land in the County. So I think that he brings up a valid point there. So these you know what Geri has, what Phil has, I like both of them. I do like this piece that Phil added in here, because we have had a problem getting agricultural producers when I came on, I was the

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only agricultural producer that was on at the time and actually still, and the only actual producer right now. So I think that kind of gives us a little broader spectrum to be able to draw from people that are producers, that have a stake. They are stakeholders, they have skin in the game here in the area. They own property, they pay taxes here. They are residents of the area.

Director Mitchell - So how many people do you think will fill that position?

Director Allen - We've got at least two I can think of. Two people that we could add into into this Board and one of them is a little bit of a tricky subject. His family owns the land. He farms it. It's technically his mother-in-law owns it. So right now he would not be eligible to be on the Board. But the family owns the land, but his mother-in-law is the one whose name is on the ranch. And so it's like, OK, there's an individual, the family's here, but the mother-in-law doesn't farm it. The son-in-law farms the property, but the family owns the property. But she is on the deed of record. She is the owner of the property. So, technically, he wouldn't be qualified.

So we have those situations that I look at it and that I think has been a problem that we have.

Director Mitchell - Why can't agricultural people feel comfortable to join the Advisory Board and give their opinions. If they don't own property. How can we work on that?

Peter Stickells - We can't join the Advisory Board because we're not a residents. It's in the statute that we have to be a resident to join, not only.

A.B. Cleland - But Robert could, from the Buffalo Ranch, right? Is that what you're talking about?

Director Bassett - And you could be an advisor to the Advisory Board.

Peter Stickells - I feel like I'm advisory already.

Director Allen - So I made a motion to table this. To table this for us to kind of get a chance to kind of digest this to kind of really read through it. The only copy that I have is the one that has the cross outs in it, and the language written in there with Fred Stump, etcetera, is that the only copy of this that we actually have currently.

Director Mitchell - No. We can get you a clean copy.

A motion to table item 5b until the May meeting was made by Director Allen and seconded by Director Parkinson.

Vote - Aye - Directors West, Parkinson, Allen, Puhvel, Mitchell, and Bassett.

Nay - none.

Director Puhvel - I'd like to make one comment regarding the topic of out of non-residents being on the Board, which is just that I witnessed when the OVGAs was in charge, that there was an enormous battle between Mono County denying Inyo County any sort of control or say and what happens in the Tri-Valley and it seemed to be the

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biggest issue that all Tri-Valley residents had was independence from Inyo County, so it does seem to me that if we're focusing on keeping local residential use, that someone who actually does not live and see their own personal well dropping at the rate they do, they're instead invested, they're paying taxes, but their investment in the area is for a business purpose and profit; that they do not have the same investment in home in family in longevity of keeping their property to themselves. Business decisions are a lot easier to make than they than domestic decisions when it comes to your home and where you actually consider home. So I would argue that keep that maintaining local, not inviting people who do not live in the area is an important part of what this Board's always had, and to change that seems like an extreme measure in my opinion.

Director Duggan – Just a point that I brought up at one of the meetings earlier was to look at this very closely, but make sure that you're not designing the changes for a person. Because these will go on until you want to do this the next time, and you need to make sure that it makes sense regardless of who is sitting in that seat. So I think it's good that you take these back and digest them and take their personalities out of them and then bring it back and say for the good of everyone and for having the input that there, these are the things that then you can direct. You can direct the County Counsel to take a look at, their office to take a look and see which ones are statutes that you have the ability to change and prepare that information. But if you look at it there you know you may all you may come with a lot fewer changes there, but then the ones that can last as long as these and then the others are you have to figure out what is discretionary.

c. Direction to staff on this issue.

None at this time.

6. TVGMD Board of Directors Vacancy

a. Report from County Counsel on Board requirements for appointments.

b. Nomination and possible appointment to fill the current vacancy on the Board of Directors.

For both 6a and 6b, please see page 12 of these minutes.

7. Report on funding request to Mono County.

Director Mitchell reported that she submitted the funding request to Megan Chapman at Mono County. To date, she has not yet heard anything on it.

8. Hammil Valley Monitoring Wells: Aaron Johnson, of California Fish and Wildlife to answer questions on the Hammil Valley Monitoring Well Project.

Director Puhvel introduced Aaron Johnson, from California Department of Fish and Wildlife, who spoke briefly about the monitoring well project in general, gave a presentation on the project, and then had some discussion with the public attendees and Board.

Director Puhvel - Aaron Johnson is the senior environmental scientist with the California Department of Fish and Wildlife in the Bishop Field Office, where he supervises the management of Department owned lands and leased lands in Mono, Inyo and northern San Bernardino Counties. He's been working the Land Management program for the state for the last eight years, he's been working in the field Office, Land Management and conservation in the eastern Sierra for the past 15, and we've asked him here today to inform Board members

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and the public as to these two monitoring wells, which are being proposed in the Hammil Valley, southern Hammil Valley area, the funding for these wells is roughly \$1,000,000 and has been treated as been approved by DWR and the state. The land for these wells has been approved by the BLM and we are now in the process of trying to find an agency to own these wells and that's a technical ownership issue just for liability mostly and the Board here is proposed to writing a letter, which I drafted, to recommend to the Mono County Board of Supervisors that they take ownership of these two wells in order for the project to be further green lighted and hopefully take fruition.

Aaron Johnson - I would just like to provide a little bit of background for the Board and for the audience first. I work for the Department of Fish and Wildlife, that's a state agency, separate from the Fish and Wildlife Service, which is the federal arm of the Wildlife Protection Agency, the federal version of that, and I'm going to run through some of the information here. I did want to just provide a quick update on what you just stated. The Bureau Of Land Management has agreed to own the wells. If, in the spirit of local control or for other reasons, Mono County or Tri-Valley wishes to continue to pursue having Mono County be the owner, that's something that could be entertained, but it's not a hurdle to having the project go forward. Just wanted to make sure, the Board knew that. I just learned that yesterday so it's an important detail. I think the project can go forward as funded and as proposed without Mono County stepping into that role. We obviously, as the state, welcome engagement from the Tri-Valley Groundwater Management District and from Mono County. So I just want to make sure that's clear. I think you all are familiar with us. We do a lot of things as an agency. But to summarize, what the purpose of Fish and wildlife is our mission statement is to manage California's diverse fish, wildlife, and plant resources and the habitats upon which they depend for their ecological values and for the use and enjoyment of the public. Specifically today, I'm here representing the Land Management program. I want to be clear that I'm not here in any kind of a regulatory capacity. I am the person tasked with managing the lands that are owned by the Department of Fish and Wildlife in Fish Slough and elsewhere in Mono and Inyo Counties.

See attachment # 8-2 for presentation.

In response to public questions/comments, Aaron Johnson replied:

- There are actually 3 proposed monitoring wells; one is on DWP land and not in Hammil Valley.
- The information gathered will be publicly available on the CASGEM system.
- The ultimate goal of the project is to get more information to complete establishing what is shown by the isotope study that was previously done in the Fish Slough area waters and their potential sources. Also, to empower the TVGMD with the information they need for sustainable groundwater management in that area.
- A letter of support from the Board could be beneficial for the project.
- TVGMD should work with the modeler of the groundwater model project to determine where the water in Fish Slough goes after it leaves Fish slough.
- The monitoring well project will help show how long rain and snow runoff takes to effect spring flow.
- The monitoring wells are not on the valley floor. They were the sites of choice picked by the engineering geologists and USGS working together.

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In response to a question from the public about why Mono County does not have any monitoring wells in Hammil Valley, Director Duggan replied that the M.C. BOS has never been asked for monitoring wells in the Hammil Valley floor.

Possible action on proposed letter to Mono County.

Due to the BLM accepting ownership of the wells, the proposed letter is no longer needed. However, a letter of support will be considered.

A motion to table the potential letter of support until the next Board meeting was made by Director Puhvel and seconded by Director Allen.

Vote – Aye - Directors West, Parkinson, Bassett, Allen, Puhvel, and Mitchell.

Nay – none.

9. Resolution 23-04 regarding AB 2449 and teleconference meetings in declared emergency. (Attachment #9)

It was discussed that the provisions of AB 2449 no longer apply to the current situation. So, the resolution was not voted on. If conditions change, the resolution can be revisited.

10. Board of Directors Reports

a. Further discussion on Insurance

Director Mitchell reported that the potential Board insurance would be put back on an upcoming agenda.

She also reported that the SGMA workshop will be rescheduled soon, potentially in June.

Director Bassett reported that new readings on the Benton monitoring well and the Chalfant monitoring well were taken. Director West assisted on April 17th, at the Benton well. The reading was 131.1 feet to water. That is 0.4 feet higher than January of 2023, it's 0.2 feet lower than April of 2022. In Chalfant, the reading was done on April 21st, with Director Mitchell and A.B. Saladin assisting. The reading was 71.81 feet to water, which is 0.29 feet higher than in January of this year and 0.11 feet lower than April of 2022. Both of the new readings have been put into the CASGEM system.

11. Adjournment to Wednesday, May 17, 2023, 6:30 p.m. at the Benton Community Center.

A motion to adjourn was made by Director Puhvel and seconded by Director Allen.

Meeting was adjourned at 9:13 PM.

**Next meeting is Wednesday, May 17, 2023 at 6:30 p.m.
at the Benton Community Center.**

Geri Bassett, Secretary, TVGMD