

# 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

Geri Bassett, Secretary

Marion Dunn

Richard Moss

Greg Allen

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

## REGULAR MEETING AGENDA

Wednesday, July 13, 2022 at 6:30 p.m.

Benton Community Center

Highway 120, Benton, CA. 93514

### 1. TVGMD Advisory Board

A. Advisory Board Report and Comment.

2. Public Comment (on any matter within the jurisdiction of the District).

3. Approval of minutes of the May 18, June 17, and June 20, 2022 meetings. (Attachment A)

4. Resolution No. 22-07 authorizing remote teleconference meetings from to July 13, 2022 until August 13, 2022. (Attachment B)

5. Review and possible approval of District map. (Attachment C)

6. Further discussion on changing the District address.

7. Discussion and report on the Inyo-Mono Integrated Regional Water Management (IRWM) program for possible funding to develop a hydrologic groundwater model of the Tri-Valley.

8. Brief Report of Director activities and 2022 Election Report.

9. Further discussion of financing options for the District.

10. Discussion and possible action on proceeding with well monitoring.

11. Discussion regarding consent and release of liability from property owners regarding key well monitoring program (Attachment D).

12. Public Comment (on any matter).

12. Adjournment to Wednesday, August 24, 2022, 6:30 p.m., in Chalfant.

## MINUTES

### MONO COUNTY TRI-VALLEY GROUNDWATER MANAGEMENT DISTRICT Regular Meeting of May 18, 2022 6:30 P.M. Benton Community Center – in-person only

Chairperson Mitchell called the meeting to order at 6:31 P.M. on May 18, 2022. Meeting was held in-person.

#### Roll Call:

Directors Present: Mitchell, West, Dunn, Allen, Duggan, and Bassett.  
Directors Absent: Moss (excused due to health issues).

Advisory board present: Gina Barsi, Dennis Murphy, and Andy Puhvel

Mono County (M.C.) Personnel in attendance: none

#### 1. Tri-Valley Groundwater Management District (TVGMD) Advisory Board (A.B.)

##### A. Advisory Board Report and Comment.

D. Murphy reported that the A.B. had met on Monday, May 9, 2022. At that meeting:

1. The A.B. adopted an AB361 update.
2. Ed Parkinson (Benton) was introduced and considered for appointment to the A.B. His appointment was recommended to the TVGMD Board for the May 18, 2022 meeting.
3. A.B. By-Laws were reviewed and the 3/28/22 v.1 adopted as is.
4. Due to the transition of Michael Cook completing his term on the A.B., A. Puhvel and D. Murphy were selected as co-chair persons.
5. There was discussion about the primary goals of the A.B., such as communication and well monitoring. There was also discussion about the need to explore possibilities for financing in order for the TVGMD to operate effectively

##### B. Advisory Board recommendation to appoint Ed Parkinson Jr. to serve a term of 1 year representing Benton (Attachment A). Consider and potentially appoint Mr. Parkinson per the recommendation.

Recommendation was accepted without questions. A motion to accept the A.B. recommendation to appoint Ed Parkinson Jr. to the A.B. for a one-year term was made by Director West and seconded by Director Dunn.  
Vote – all Directors in attendance – “yes”.

##### C. Presentation of revised Newsletter and request for approval to send out via email.

The edits requested at the April 27, 2022 have been made. A motion to approve the newsletter dated June 1, 2022 was made by Director Bassett and seconded by Director West.

Vote – all Directors in attendance – “yes”.

The newsletter will be sent to M.C. to be sent out via their Tri-Valley email lists.

Director Bassett reported that, per Justin, from M.C. Solid Waste, at the 5/3/2022 M.C.BOS, there will be a Clean California free dump day at the Chalfant transfer station on Sunday, May 22, 2022.

Supervisor Duggan added that she is continuing to ask for green waste passes.

Director West reported that here is a phone scam going around about your power being shut off.

Director Mitchell said that she spoke at the May 17, 2022 M.C.BOS meeting in support of M.C. becoming the GSA for portions of the Owens Valley groundwater basin and for the Long Valley groundwater basin.

- 7. Consider approval of a letter to DWR regarding TVGMD's continued interest in and intent to serve as Groundwater Sustainability Agency for its jurisdiction (attachment).**  
Motion to approve the letter as is was made by Director Bassett and seconded by Director Allen.

Vote- all directors in attendance – “yes”.

- 8. Further discussion and possible action on Tri-Valley well monitoring and possible approval of a Key Well Monitoring and liability Release Form.**

Director Dunn feels that the form is fine as is.

Various other Directors feel that we should wait on approval of a form until we hear from M.C. Counsel or Assistant Counsel.

Supervisor Duggan added that data retention and collection needs to be included in the form. Director Mitchell asked the Board if it was felt that private well monitoring should be done when the well agreement is done or wait until the third party well monitoring funding is decided.

The decision was made to table the topic until the June agenda if we have more information by then or to the July agenda if we don't have additional information by June.

- 9. Review of process on financing in accordance with State requirements.**

M.C. Counsel was to be the presenter. She was not able to attend the meeting. Deferred to June 22, 2022 meeting.

Note – this refers to a discussion regarding legislated options for special districts to raise funds for needed projects and the authority given by the Sustainable Groundwater Management Act (SGMA) to proceed with certain types of projects. This is funding separate from grants and current general fund availability.

- 10. Public Comment (on any matter).**

A. Puhvel asked about the timeline for financing from the general fund or grants.

Supervisor Duggan replied that things change, grants come up on a regular basis. TVGMD should check with Michael Draper. Supervisor Duggan would be the sponsor on anything from the Tri-Valley. Requests from M. Draper/W. Sugimura/Community Development should go through Director Mitchell.

**2. Public Comments (on any matter within the jurisdiction of the District).**

Lynn Bolton, in relation to A.Puhvel's proposal (from the 4/27/2022 meeting) to have Team Environmental do third party well monitoring, asked Supervisor Duggan if M.C. could fund the project.

Supervisor Duggan replied that Director Mitchell should check with Michael Draper, from M.C. Community Development, to see if there is grant or general fund money available for this sort of project.

G. Barsi asked if the monitoring could be included in the M.C. general fund 22/23 budget?

Supervisor Duggan said that Director Mitchell should first check with Wendy Sugimura, M.C. Community Development Director, since the M.C. Board of Supervisors (BOS) is most likely going to be the Groundwater Sustainability Agency (GSA) for the M.C. area of the Owens Valley Basin not already under the jurisdiction of the TVGMD and other groundwater basins in M.C.

**3. Approval of minutes of the April 27, 2022 meeting (Attachment B).**

With the correction in the reported water level measurement of the Chalfant well, noted in agenda item #6, a motion to approve the April 27, 2022 minutes was made by Director Dunn and seconded by Director West.

Vote – all directors in attendance – “yes”.

**4. Resolution No. 22-05 authorizing remote teleconference meetings from May 18 to June 17, 2022.**

Motion to approve the Resolution 22-05 was made by Director Allen and seconded by Director Bassett.

Vote – all directors in attendance – “yes”.

**5. Discussion and possible action on the Inyo-Mono Integrated Regional Water Management (IRWM) program for funding to develop a hydrologic groundwater model of the Tri-Valley.**

Supervisor Duggan reported that, at the May 3, 2022 M.C.BOS meeting, the grant request of \$22,000 was approved. M.C. is to help administer the grant, staff will work at TVGMD's direction and keep the project moving. CASGEM data would be included in the G.W. model.

**6. Brief Report of Director Activities.**

Supervisor Duggan reported that:

- A. M.C. is making sure that there is an area of jurisdiction as far north as Long Valley or even Mono Lake for the GSA they are applying for. This is to ensure water monitoring.
- B. clean up of the 2021 flood debris in Hammil is continuing. Caltrans should be finished by August of 2022
- C. there is allot of construction that will be going on along 395 north of Bishop. This should not affect T.V., but it could.
- D. Inyo, Mono, and Kern Counties went together on some projects using SB 1 funds. Many projects were done locally, but most of the work was done in Kern County. M.C. is trying to get some of the money back.
- E. Digital 395, connecting the “last mile” for broad band to be available in T.V., is in progress.
- F. the SCE power shut-off (4/26/2022) for maintenance work caused a major disruption of many Frontier phone lines.
- G. M.C. supervisors expect to meet in person starting in June 2022. This will be a hybrid meeting, public can attend via zoom or in-person.

Director Mitchell stated that, in our legislation, we have the authority to determine if there is an overdraft in our area of jurisdiction. She is recommending a public hearing in the Fall to see what people feel about how their wells are doing; ask for their opinion on the water table in their area. People could submit information (comments, etc.) for 3 months. Or, should a survey be sent out with specific questions regarding the water table and property owner's wells.

Supervisor Duggan added that the questions would need to be crafted to lead to recommendations for solutions, not just complaints, and to give anecdotal information on how their property/well is doing.

Lynn Bolton suggested that, if a hearing is held, we could have someone (maybe a hydrologist) give an overview of how the groundwater works in the Tri-Valley.

There was general discussion of the possibility of a hearing or survey and what it would entail. All in attendance agreed that a water model to show people how each valley's groundwater works is needed.

**11. Adjournment to Wednesday, June 22 2022, 6:30 p.m., in Chalfant (pending COVID-19 status).**

Motion to adjourn the meeting was made by Director Allen and seconded by Director Dunn. Vote – all directors in attendance – “yes”. Meeting was adjourned at 7:50 P.M.

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

**June 22, 2022  
At 6:30 P.M. at the Chalfant Community Center**

**Note – the July 27, 2022 meeting will also be held in Chalfant due to schedule conflicts with the Benton Community Center.**

**Geri Bassett  
Secretary, TVGMD**

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**RESOLUTION 22-07**

**A RESOLUTION OF THE MONO COUNTY TRI-VALLEY GROUNDWATER  
MANAGEMENT DISTRICT BOARD OF DIRECTORS  
AUTHORIZING REMOTE TELECONFERENCE MEETINGS  
FOR THE PERIOD OF JULY 13, 2022 THROUGH AUGUST 13, 2022 PURSUANT TO  
AB 361**

**Comment [A1]:** Delete all red text prior to adopting

**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 MONO COUNTY TRI-VALLEY GROUNDWATER MANAGEMENT DISTRICT (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 considered the circumstances of the State of Emergency and determines that, as a result of the existence of a state of emergency related to COVID-19, meeting in person would present imminent risks to the health or safety of attendees.

**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 virtually in accordance with the procedures set forth in AB 361 from July 13, 2022 until August 13, 2022.

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**SECTION FIVE:** Staff is directed to return to the Legislative Body no later than thirty (30) days after the adoption of this resolution, or at the next meeting of the Legislative Body, if later, for the Legislative Body to consider whether to make the findings required to meet under the modified teleconference procedures of AB 361.

**PASSED, APPROVED and ADOPTED** this 13<sup>TH</sup> day of July, 2022, by the following vote, to wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

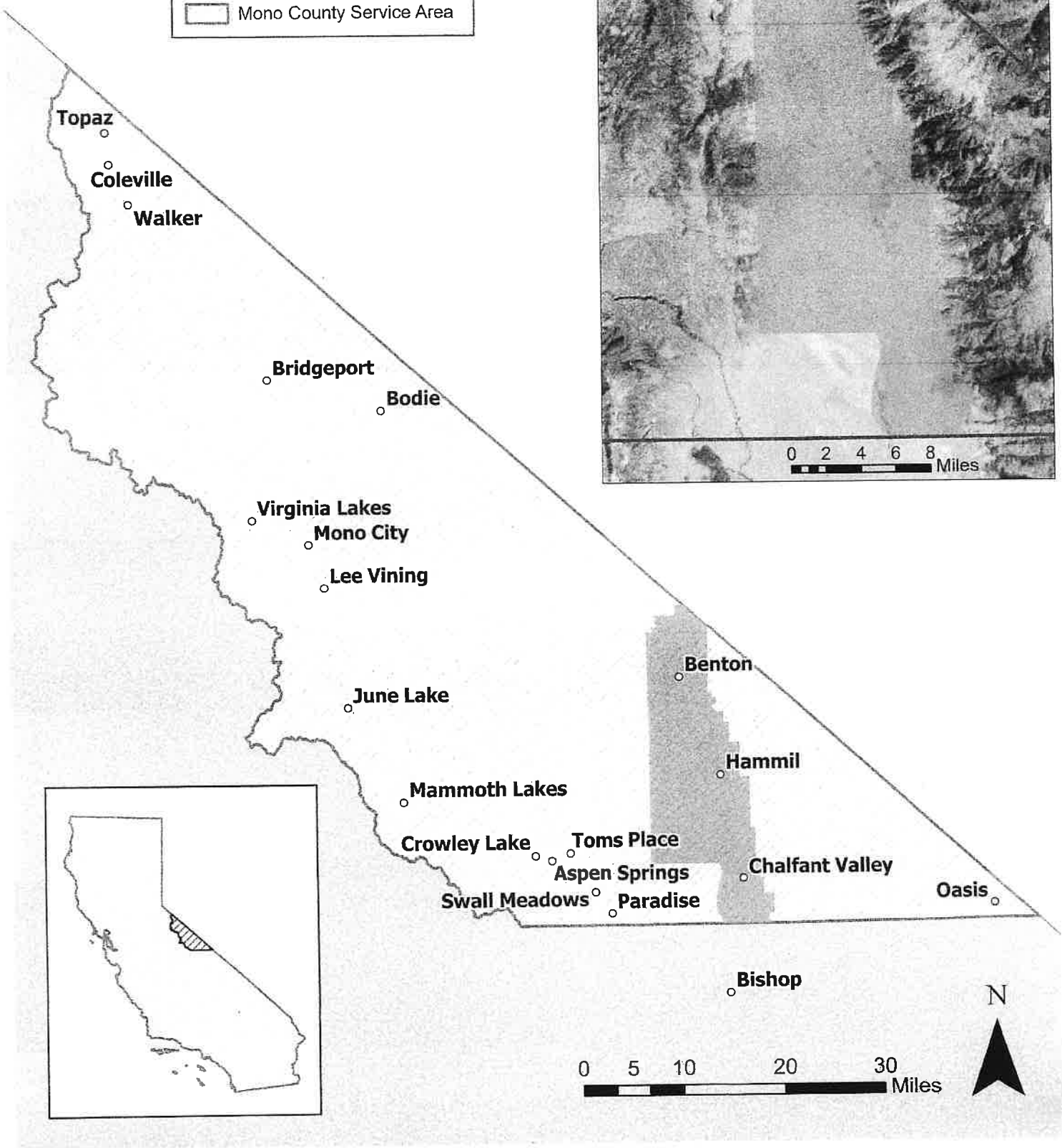
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Carol Ann Mitchell, Chair

# Mono County Service Area and GSA

## Legend

- Tri Valley GSA
- Mono County Service Area





D

**PROPERTY OWNER APPROVAL OF PARTICIPATION IN TRI-VALLEY GROUNDWATER  
MANAGEMENT DISTRICT KEY WELL MONITORING PROGRAM, CONSENT TO ENTER  
PROPERTY AND RELEASE OF LIABILITY**

All individuals, or their representative, who participate in the Tri-Valley Groundwater Management District (“**District**”) Key Well Monitoring Program (“**Program**”) are required to carefully review and sign the following Approval and Release Agreement (“**Agreement**”).

I (print full name) \_\_\_\_\_ (“**Property Owner**”) own the property located at \_\_\_\_\_ (“**Property**”) and understand that in consideration for participating in Program I must review and sign the Agreement. The Property Owner warrants and represents that it has the authority to sign the Agreement on behalf of all owners, individuals, or entities which may have a legal interest in the Property and bind them to the terms of this Agreement.

**1. PURPOSE OF THE AGREEMENT AND PERMISSION FOR ENTRY**

The purpose of this Agreement is for the Tri-Valley Groundwater Management District (“**TVGMD**”), through volunteers and various staff (“**Volunteers**”), to conduct key well monitoring to determine the extent of the groundwater basin in the Tri-Valley area, and to monitor and track groundwater levels. The results of the Program will enable the District to take actions which will assure that the groundwater basin will be protected. The Property Owner authorizes the Volunteers to enter onto the Property for the purpose of key well monitoring.

**2. WAIVER OF LIABILITY AND RELEASE AND INDEMNIFICATION**

By signing the Agreement, Property Owner, and their heirs, agents, representatives, and assigns, and any other property owner, individual, or entity which may have a legal interest in the Property, agrees to fully waive, release, discharge, covenant not to sue, and indemnify and hold harmless the Tri-Valley Groundwater Management District, including any of the Volunteers, members, staff, representatives, administration, officials, employees, and agents from any and all liability, claims, losses, injuries, damages, and expenses (including attorney’s fees and litigation costs), that may be sustained by any person, property (real and personal), or structures on the Property due in any way related to any action, inaction, suggestions, information, and recommendations resulting from the inspection and participation in the Program. The Property Owner acknowledges and expressly agrees that the foregoing release, waiver, and indemnification provisions are intended to be as broad and inclusive as is permitted by the laws of the State of California.

**9. UNDERSTANDING OF AGREEMENT**

The Property Owner acknowledges and represents that they have read the foregoing, understand it, and voluntarily sign it, without relying on any representations, statements, or information by any other parties. The Property Owner further acknowledges that (1) they are signing this Agreement on behalf of any other owner, individual, or entity which may have a legal interest in the Property, (2) they have the authority to sign the Agreement on behalf of the aforementioned persons, and (3) shall share this Agreement with all such persons.

**PROPERTY OWNER SIGNATURE:** \_\_\_\_\_ **Date**

**Mailing Address if Different than Property Address:** \_\_\_\_\_