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**MINUTES**

**MONO COUNTY TRI-VALLEY GROUNDWATER  
MANAGEMENT DISTRICT  
Regular Meeting of  
January 25, 2023 6:30 P.M.  
Benton Community Center**

Chairperson Mitchell called the meeting to order at 6:30 P.M. on January 25, 2023. Meeting was held in person.

**Roll Call:**

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

Directors Absent: West (excused due to family health issues).

Advisory Board present: Betsy McDonald, Dennis Murphy.

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

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

**A. Advisory Board Report and Comment.**

A.B. McDonald read a report from their 1/18/2023 meeting, which was attended by all A.B. members, Janet Barth (Benton), and Director Puhvel. Topics were:

- a. the role of the A.B. for outreach and education, informal networking, and research and study of local and state water issues. A predominant concern is getting more people interested in the TVGMD. Discussed the possibility of a printed version of the newsletter to be mailed and also posted at libraries, community centers, and restaurants.
- b. newsletter article ideas
- c. 2023 Strategic Plan – presented in item #7.
- d. recruiting new A.B. members. Janet Barth is interested and will submit a letter of interest.
- e. quarterly meeting dates for 2023 are May 10, September 12, and December 13.
- f. a Tri-Valley Community Emergency Response Team (CERT), via FEMA, as a way to cultivate more community involvement in all areas and to help with emergency preparedness. A.B. Barsi will check with the Chalfant Fire Commission and Fire Chiefs to assess their interest.

A.B. Murphy reported that it has been suggested to put an article in the Newsletter titled “How Well is Your Well”. This would get people thinking about their well and may lead to more requests for monitoring. A local well company is doing annual well audits as requested at a fixed price. This would give people some resources for maintenance, repairs, replacement, etc. of their wells when needed.

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**B. Newsletter for Approval**

The proposed February – April 2023 Newsletter is attachment 1B. A.B. McDonald gave a summary of the newsletter and would like to add the newest District map that was prepared by Denver Billing and approved during the October 2022 Director meeting.

A motion to approve the newsletter for publication, with the addition of the map was made by Director Puhvel and seconded by Director Parkinson.

Vote – all directors in attendance – “yes”.

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

Janet Barth asked Director Duggan for a contact responsible for road maintenance in the Tri-Valley area. Janet was referred to Paul Roten ([proten@mono.ca.gov](mailto:proten@mono.ca.gov)). Director Duggan also commented that there are still numerous road closures and avalanche issues from the unusually large amount of snow this year. Anyone needing more information on this should contact Director Duggan at [rduggan@mono.ca.gov](mailto:rduggan@mono.ca.gov). In the meantime, drive safely.

**3. Discussion and possible action to approve the December 14, 2022 minutes. (Attachment A)**

A motion to approve the December 14, 2022 meeting minutes as written was made by Director Puhvel and seconded by Director Allen.

Vote – all directors in attendance – “yes”.

**4. Oath of Office for Director Ed Parkinson.**

The appropriate signatures were obtained on the Oath of Office and Director Bassett will send it to Scheereen Dedman, at the Clerk/Recorder/Registrar Office.

**5. Election of Officers for 2023.**

**Chairperson** – Director Puhvel nominated Director Mitchell as Chairperson. Nomination was seconded by Director Bassett.

Vote – all directors in attendance – “yes”.

**Vice-Chairperson** – tabled to the February meeting due to Director West’s absence.

**Secretary/Treasurer** – Director Puhvel nominated Director Bassett for Secretary/Treasurer. Nomination was seconded by Director Allen.

Vote – all directors in attendance – “yes”.

**6. Approval of Warrants:**

**A. Payment to Inyo Register for publication of vacancy notice in the amount of \$42.10.**

**B. Payment to The Sierra Reader for publication of vacancy notice in the amount of \$204.00.**

**C. Authorization of payment for webpage for 2023 for up to \$150.00**

A motion to approve payment for all the warrants was made by Director Allen and seconded by Director Parkinson.

Vote – all directors in attendance – “yes”.

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**7. Report and presentation from the Committee on the 2023 Strategic Plan and possible approval by the Board of Directors. (Attachment B)**

Director Puhvel presented a summary of the 2023-24 Strategic Plan. Under “Increase Coordination with Mono County”, the second bullet item was to be deleted.

Director Mitchell feels that the Plan should mention a finance committee, as at some future point we will need funds available and recurring income. She feels that we should get the finance committee set up before the end of the 2023 year.

Mr. Stickells commented that “we know that one of the Board members wants to shut us down”. How is this change in pumping going to affect farmers and what are farmers/ranchers going to do? Will there be development, rezoning, etc.? We need to look at the impacts to property owners (farmers). Where are we going to be in 5 – 10 years? How does residential property relate to agriculture? Where is the balance of household water use vs. farming? More utilities, road access, etc. will be needed for the increased population in the Tri-Valley. There needs to be some language in the Plan to address this.

There also needs to be rules about mandating dust prevention issues from fallowed fields.

The Strategic Plan Committee will prepare an amendment in the next month or so to cover this language.

A motion to approve the Plan as is and then add the language to it was made by Director Allen and seconded by Director Parkinson.

Vote – all directors in attendance – “yes”.

**8. Board Vacancy for Director A (domestic well) with a term of office to end November 30, 2024:**

**A. Letter of interest from Dennis Murphy to represent Hammil Valley. (Attachment C)**

A.B. Murphy gave a synopsis of his letter of interest and commented that he feels that his background and his experience from one year on the A.B. could help the TVGMD in future activities and responsibilities.

Director Allen asked A.B. Murphy what his businesses had been. A.B. Murphy replied that they were in various types of testing, such as test equipment for phone towers and military use.

Director Mitchell asked A.B. Murphy:

- a. what he has learned on the A.B. regarding teamwork. He replied that for teamwork you need compromise, no one side needs to be dominant, people want to get along.
- b. what his opinion of science was, how does he feel about studies from consultants. He replied that we need to look at science (data, spreadsheets) but also need to consider the intangibles; there needs to be a balance.
- c. what is your leadership style, are you comfortable speaking up? He replied that yes, he was comfortable with that.
- d. what do you love about Hammil Valley. He replied, everything, the history the beauty, etc. it is cool to be part of it.

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### **B. Letter of interest from Donald Moss to represent Hammil Valley. (Attachment D)**

Mr. Donald Moss gave an overview of his letter of interest, which included living in Hammil Valley since about 1971 and working for a company that engineers and operates hydroelectric plants. His office is his truck and he and his wife now live in Hammil Valley full time.

Director Parkinson asked Mr. Moss if he was familiar with groundwater models. He replied that, yes, he was, but that most of his experience is in operations. He added that the results of a groundwater model often go towards whoever is paying for it. Mr. Moss also commented that he was a full time employee of the Moss Ranch until 1986 and has been working part time there since then. His current property has 80 acres total with 3 acres planted in garlic.

Director Allen asked if Mr. Moss was looking towards efficient water usage. He replied that yes, he was.

Mr. Stickells commented that we have 2 very qualified candidates. Moving forward, we need someone with hydrological background and technical experience on the water side. Dennis also brings a lot to the table.

Director Mitchell asked Mr. Moss:

- a. what is your leadership style? He replied that he is pretty quiet, that he wouldn't look forward to running the whole thing.
- b. how would you handle conflict? Mr. Moss replied that there is value in everyone's opinion; all need to be looked at and included.
- c. with the groundwater model, would you feel comfortable giving your personal opinion about the model? He replied that, yes, absolutely, he would.
- d. what is your opinion of science? He replied that there is a lot to be said for science. Consultant reports can be skewed, but you have hard data and personal experience from years of work to work from.

Director Parkinson asked Mr. Moss if he thought he would have a pretty good idea if data was being skewed into someone else's favor instead of ours. Mr. Moss said that, yes, he would and that he would point it out.

Director Puhvel asked Mr. Moss if he would consider being on the A.B. if he wasn't selected for the vacancy position. Mr. Moss said that he would certainly consider it.

### **C. Interviews, discussion and possible action on Board vacancy and appointment.**

There was discussion about the one vacancy position being for a domestic well and the wording of the legislation regarding the breakdown of member status.

A.C.C. Beck read from the legislation. 4 members were to be residential and 3 members were to have extraction facilities capable of pumping at least 100 gallons per minute, exclusive of domestic use. He also commented that the Sustainable Groundwater Management Act (SGMA) calls for diversity of the Board.



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A motion to appoint A.B. Murphy to the Director A vacancy was made by Director Puhvel. There was no second.

A motion to appoint Mr. Moss to the Director A vacancy was made by Director Allen and seconded by Director Parkinson.

Vote – Directors Allen, Parkinson, and Bassett – “yes”.

Directors Mitchell and Puhvel – “no”.

**9. Workshop by County Counsel on the Sustainable Groundwater Act and the District as a Groundwater Sustainability Agency.**

A.C.C. Beck stated that he could give an approximately one-hour presentation on SGMA or a 15 minute overview. After some discussion, it was decided that he would give the one-hour presentation, but, that it would be deferred until the February 22, 2023 meeting. He will email the presentation to the Board.

**10. Reports from the Board of Directors**

Director Mitchell commented that Director West is tracking precipitation measurements. He has measured 6.56” for the 2022/2023 to date. The results can be found on the TVGMD.org website <http://www.tvgmd.org/precip>.

Director Bassett reported that:

- a. we have not yet received an updated financial report from Mono County.
- b. on about January 5, 2023 Directors should have received an email from Scheereen Dedman regarding the filing of Form 700’s for the 2023 year. Director Parkinson commented that he had not received anything yet. Director Bassett will follow up on this. The forms are due April 3, 2023.
- c. Director Parkinson and she got a new reading on the Benton monitoring well on January 7, 2023. The reading was 131.5’, which is up 0.2’ from the reading in October 2022. The measurement on the Chalfant well is scheduled for January 27, 2023.
- d. she will not be able to attend the June 28, 2023 Board meeting. In order to help insure a quorum, a motion to move the June meeting to the 21<sup>st</sup> was made by Director Parkinson and seconded by Director Puhvel.  
Vote – all Directors in attendance – “yes”.

**10a. Report by Director Bassett on Board terms of office.**

An email was received from the Mono County Clerk/Recorder/Registrar/Clerk of the Board of Supervisors Scheereen Dedman. She clarified that the term for a seat does not change based on when it was filled. Therefore, Director West’s position will be ending in 2024, not 2026. Director Bassett will send this information to Director West.

**11. Discussion and possible action regarding insurance coverage for the District.**

Director Mitchell reported that:

- A. she spoke to Beach Insurance in Bishop about our insurance needs. They said that the TVGMD was in a highly litigated class. The ballpark figures that they gave were a \$1,000,000 policy with a \$15,000 - \$25,000 deductible per occurrence, costing \$10,000 - \$20,000 per year with a 3-year commitment (no cancellation possible). Director Mitchell was not able to get a quote to insure the Board. The company recommended going to a risk pool, such as a Rural County Representatives of California (RCRC), to get coverage.

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B. she spoke to a company that covers volunteer organizations. This would potentially cover the people in the Key Well Program. They would need to know how many volunteers needed to be covered. The cost per year would be about \$348.

Director Duggan and A.C.C. Beck will check with the RCRC and Mono County Risk Manager to see what is available, especially for general liability insurance.

**12. Discussion and possible action on a request for funding from Mono County for TVGMD.**

Director Duggan said that the Board needs to submit a funding request and expense/needs summary to Mono County, hopefully in the next one to two months. She will get input from the Budget Department on when best to submit the request to the M.C. Board of Supervisors.

For possible funding, a motion was made to submit the budget package to Mono County by Director Parkinson and seconded by Director Puhvel.

Vote – all directors in attendance – “yes”.

The process for handling the funds will be communicated after the funding is approved.

**13. Resolution 23-01 authorizing remote teleconference meetings from January 25, 2023 to February 25, 2023 (Attachment E).**

A motion to approve the Resolution 23-01 was made by Director Allen and seconded by Director Puhvel.

Vote – all directors in attendance – “yes”.

**14. Public comment (on any matter).**

A.B. McDonald commented that Director Mitchell must have spent a considerable amount of time researching the insurance issue; that is greatly appreciated.

**15. Adjournment to Wednesday, February 22, 2023, 6:30 p.m., at the Chalfant Community Center.**

Meeting was adjourned at 8:41 P.M.

**The next regular meeting will be:  
February 22, 2023  
6:30 P.M. at the Chalfant Community Center**

**Geri Bassett, Secretary, TVGMD**

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MINUTES

**MONO COUNTY TRI-VALLEY GROUNDWATER  
MANAGEMENT DISTRICT  
Special Meeting of  
February 15, 2023 6:30 P.M.  
Chalfant Community Center**

Chairperson Mitchell called the meeting to order at 6:30 P.M. on February 15, 2023. Meeting was held in person, except for Assistant County Counsel Chris Beck, who attended via Zoom due to being at another meeting until 5:30 P.M.

**Roll Call:**

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

Directors Absent: Duggan.

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

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

**Director Mitchell read an outline of what this meeting was about; a summary of position history, and the possible options open to the Board.**

OK, before we get started on the agenda, which tonight is over there. Hopefully there'll be plenty of copies for everybody. I'd just like to kind of because our County Counsel isn't ready yet. I'm just going to outline what this meeting is about. So, in 2017 and 18, this District, at the request of Mono County, Fred Supervisor Fred Stump worked to make the supervisor position on the Board of Directors and ex officio or non-voting position. The Board pursued changes to our enabling statutes through the California legislature. This process took a long time. Besides the change to the supervisor position, we added Director Bassett's domestic position, which went to an election in 2020. Because the supervisor and the Board both felt another domestic position was needed on the Board of Directors. Since then, we've operated as a four domestic seats and three seats with persons with the capability of pumping 100 gallons per minute. In the 33 years of operation, we never had someone with agricultural connections apply for a vacancy on the Board advertised as a domestic seat. This situation has caused the District to face some ambiguities in our District. The current status says one member shall be a County Supervisor appointed by the Board of Supervisors. Four members shall be residents of the District who are owners of record of real property located within the district. These Members shall be elected at large from the District. Three members shall be residents of the District 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. These members shall be elected at large from the District. A quorum of the Board shall be four of the voting members, 4 affirmative votes of the Board shall be required to take an action.

Of the seven members of the Board elected at large terms of office shall be four years. The member added to the Board by the Act added to this subdivision shall be elected for an initial term, at the November 3rd, 2020 general election. Until a member is elected to that seat, the vacant seat may be appointed by the Board. This meeting tonight is about filling a current vacancy. The vacancy was advertised as a domestic user position. The controversy has now



become the term "at large". The appointment comes at a critical time for this District. After researching emails and District records going back to 2016, 17, and 18, there was no doubt changes to this legislation was supported by the District Board, Mono County, and the public. The quandary we have tonight is a possible change to Board composition from 4 domestic and three 100 gallon per minute seats to three domestic and four 100 gallon per minute seats. The legal opinion from the Mono County Counsel is that there is nothing in the District statute that precludes a 4 seat majority of 100 gallon per minute members. So, the public is clear on some options for the Board tonight. Number one, they can change the composition of the Board to four, 100 gallon per minute seats and three domestic users and make an appointment tonight. They can keep the composition of the Board at 4 domestic users and three 100 GPM users and make an appointment tonight. There are two people who have applied for this one position. The Board can also table this appointment and in accordance with Section 402 of the District Statute, they can prepare and consider a resolution formally setting the composition of the Board with domestic users and 100 gallon per minute users. The Board would require that the rules of the Board be amended as well. The Board of Directors and the Advisory Board both have the power in the current statute to have public hearings on this matter. The Board can consider a process for every future vacancy on the Board of Directors by developing a Board application form to determine if the applicant fits the criteria for the Board position so that this problem can be avoided. So, are there any questions about what we're here for tonight?

1. Advisory Board (A.B.) Comment

A.B. McDonald read a statement from the Advisory Board.

I think I'm going to be really formal and stand up so that people can hear. Thank you very much. I'm sure there'll be a couple of comments from you. And so, thank you for this opportunity to serve on the Advisory Board as well as to express recommendations. So, at the last meeting, I was really surprised because I have read what the makeup of the Board is supposed to be and just kind of scanned it when I joined the Advisory Board. And I took it to mean four domestic well and three wells that have the ability to pump 100 gallons per minute. But at the last meeting as we were going through the questioning and such, it occurred to me and like, oh, at large or whatever. So, it doesn't even say domestic well in the statutes. And it's like, so can all these seats actually be people representing agricultural interests? And the answer was yes. So then it's like, OK, something needs to be changed here. So, it's recommended that a vote to add a Board member be postponed, because that's what you're here for tonight until it can be resolved how the Board intends to assure equity of representation on the Board. If this requires a rule creation, which is something you guys can do or needs to go to legislation change, it's imperative that we clarify that the Board will fairly represent all interests. In other words, the Board would stipulate that those four at large seats are for people who have domestic wells only.

There are over 1100 residents or owners of property, 1100 residents in the Tri-Valley area, and so there's are a lot of people compared to the number of people in Ag. So, fairness and representation on the Board is essential for public trust in the Tri-Valley Groundwater



Management District Board, so thanks for listening and for your consideration of these recommendations.

**A.B. Murphy read a statement about some of his views and assumptions.**

I also need to read this because I'm not so good memory. I just have terrible recall. And so, like some others, I was very surprised by our last meeting. Realized my understanding might not be the purpose of the Board and representation of the Board in a manner that I had assumed. So, it kind of shook me a bit, going, ah I was kind of just moving along, thinking other than what appeared last week, I was just down the road in my truck and decided to list some things that I thought we could all agree on, and so I'm asking if you feel moved to participate and just if you don't agree. We are neighbors and we should be considerate of each other. We need to steward the land in the Tri-Valley area. We cannot steward the land without stewarding the water. However, the water is underground and unlike the ground we walk on, it does not have ownership via property lines. So, it's more challenging to share the ownership. But I was thinking that maybe we could consider what we know is horizontal property lines to be vertical ownership lines measured by varying water depths. Consider it that way. But history has brought us to a time and place where we all pump what we want. What we need.

That's worked pretty well until it negatively impacts a neighbor. So, it's all fun and games until somebody's well goes dry. And we're not saying they're going to go dry. But we don't know that they're not. So, I don't think we have the data.

Anyway. How am I doing so far? Make any enemies yet? I think everyone in the Tri-Valley wants Ag. to succeed. I haven't met a single soul who would want anything other than green? And no dust, less dust.

There are farming legacies to be preserved. There are jobs to be maintained. There are sales taxes to be collected. Everyone in the valley wants to wake up to water in the morning. Everyone wants this for their kids and grandkids. And they call that sustainability. No one in the Tri-Valley wants to be forced to redrill their wells. In some parts of the West, as close as Porterville, wells are going dry due to overdraft. So, we get put on notice - How did that happen? Could that happen to us?

The Tri-Valley has no comprehensive current shared data on groundwater in Hamill Valley. Is that accurate? Or anybody got anything? 75 to 80% of the groundwater use in Tri-Valley is from Ag.. Is that close? Arguable. This is an imbalance based upon the benefactors, the growers. And it is OK. As long as there's not negative impact to the other neighbors. So, the question is, is this an imbalance that we can live with? And we don't know. Maybe somebody knows, maybe there's data that we don't know about. As a group we haven't known together.

My next premise is sustainability as a goal worth achieving. Sustainability can only be achieved with data, ongoing measurable outcomes via transparency of all groundwater metrics and related hydrology knowledge. Any arguments? These include levels, recharge rates, and a lot of things.

The Board has been operating and claiming that domestic wells are represented by four votes and we talked about that. To many of us, it appeared that this was to offer representation to domestic well owners who have almost no control of Tri-Valley groundwater use compared to Ag--

Again, OK, as long as we don't go dry. So we are going to hear from the County legal department tonight and we're going to get their interpretation of what we have in place for the makeup of Board membership. More importantly, I hope to learn what our Board is really trying to accomplish, what it stands for, and who in the Tri Valley it is representing. Were the rules written without enough clarification of the regulations, or were they written perfectly to be vague? Is this an illusion of inclusion? That's my question. So regardless of the legal interpretations, I suggest as neighbors, we still have moral, ethical, and neighborly considerations as to how we move forward. I'm offering some options, some of them have already been said, but I'll just repeat. Does the Board member need to be decided tonight? I think you've said it doesn't necessarily have to be decided tonight. Will the Board consider to make a motion on a rule that supports four domestic and three Ag. representatives? I'm suggesting a non-decision is better than a wrong decision if we don't have all the data.

I'm asking Board members to vote with the balance in mind, regardless of the rules that the County interprets and vote from your heart and consider yourself a domestic owner an Ag. well owner and say - What would I want if I was one of the other. I'm asking that we all be curious enough to confirm that this is not a race to the bottom of the well.

Thank you. Appreciate the opportunity.

## 2. Public Comment

**Curtis Milliron (Chalfant)** - I've owned a place here in Chalfant since 1989. And worked in this area for California Fish and Game. And I think that having more representation on the 99% of the population in the area brings forth a much broader scope of interest. We all can get behind not wanting to see wells go dry and agriculture. But with my career in mind, I look at Fish Slough, really concerned about the Northeast and Northwest wells or springs drying up. I had a very influential Supervisor a long time ago, he just passed away Phil Phister. He supervised me for three years and I learned a lot from Phil. One of the things he liked to do is quote Aldo Leopold type stuff. One of the ones that stuck with me was the first rule of intelligent tinkering is to save all the pieces. And I don't think we're doing a very good job of that. Fish Slough is one of those places where we actually have endemic species. The true meaning of endemic here is that they're found nowhere else in the world. There's a bunch of them. Or, there used to be. I'm not sure what the current status is. But I know that it's important because those are not replaceable. Thank you.

**Eddie Trimmer, Bristlecone Chapter of the Native Plant Society** - I don't live in the Tri-Valley area but I am a member of the Bristlecone chapter of the California Native Plant Society, which was founded by Mary Dedecker, who I never had the privilege of meeting her. She died before I moved here. But she described and named at least one species of plants in the Fish Slough. I

think whether your background is agriculture or a citizen, I think it's possible to care about maintaining ecological values as well as commercial and domestic values and I believe the Board can work with that and honor all users within this valley. So, Fish Slough means a lot to me, even though I don't live here, it means a lot to a lot of other people too, even though they may not live here. So, we just want to be a voice for that, for that resource.

**Carol Ann Mitchell** - thank you, Eddie. Anyone else? Anyone else? Well, if no one else has anything I do. I'm Carol Ann Mitchell. I have been a domestic well representative on this Board since 1990. And I have lived in Chalfant since 1982 and I have seen the really good things that this District has done, which was to stop the export of water back in the late 90's and to be committed to finding more information and following the laws of the State of California and doing what they feel is best to keep this District going. We just recently became a Sustainable Groundwater district, which is under the Sustainable Groundwater Act, which was passed by the California State Legislature in 2014. It basically says, it's a 900-page document, but it basically says that you have to in the State of California make the groundwater sustainable. You cannot pump more than is recharged. But the issue gets very sticky when we have droughts and climate change and all the things that have been happening and no snow and then too much snow. So, I'd like to just take the opportunity to tell you what I think. Tonight, this Board will set the path the District will take for the next few years. One instance is a groundwater model grant that we have applied for, and we've been patiently waiting for about 2 years so far, and it won't happen probably for another year and a half, maybe, to even start the process which will tell us a lot of information about the groundwater beneath us. I'm speaking, as I said, a 40-year resident of Chalfant and I would like to bring forth the impact that our failing wells can make to a person. A failing well to a domestic user is a financial burden almost too heavy to bear, or it can be a life changing incident costing \$20,000 plus to drill a new well. I urge the Board not to give the majority of the District Board to 100 gallon per minute pumpers, but to pass a resolution cleaning up the language "at large" which has already been discussed. This will ensure that the domestic well voices in our Community will remain vital to this District. I further ask that the Board amend the current rules of the Board to clearly define each position on the District Board of Directors. Besides changing the language in our rules, I also recommend that we make an application process with a form for future Board of Director vacancies which will clearly ask questions to determine what type of user will sit in each position. I also recommend the Board applications go to a personnel committee to interview the applicant before the schedule for Board approval. I thank Mr. Moss and Mr. Murphy for their patience in this matter. It was not the District's intention for this to be, this appointment to be a protracted matter. I apologize for the inconvenience it has caused you both. That's it.

**Greg Allen** - OK, let me jump in here. A couple of things I want to clarify. 2 individuals called this position an agricultural position. This is not an agricultural position. I am the only person sitting on this Board that is actually an agricultural producer. One, and that's me. So, when we talk about equity in that, we have to look at what we're actually saying. I literally am the only agricultural producer. I have 62 acres under irrigation. I have a well about 660 gallons a minute. Nothing agriculturally. What we have to realize is California Central Valley lost 695, excuse me,



yes, 695,000 acres that were fallowed last year. That's one and a half million people's worth of food that was fallowed. So, this is a bigger issue than just water. Yes, and water is the main issue here. Definitely is the main issue. That's what we're all about. But when we start making assumptions that well pumping and that we have no groundwater model done, we have no strategic plan done. These are assumptions on our part. We have to get to that point. If we're trying to get equity in this board, I believe equity means that you need to have equity. Though we're a Board of seven people, there is only one agriculture producer on this. The 100. If you look at the signs 100 gallon a minute, agriculture not done intentionally, it just hadn't gotten changed because that was not what the Board called the position it was put there at one time. Carol Ann read at the last meeting, basically, the law or the intent that went into developing this was Senator Barryhill and so forth and the intent in the spirit of the law was that agricultural producers had an equal voice, meaning equally that OK, we have more residences, so obviously our residents would have a larger voice. But if we look at that spirit and the intent of the law, I do believe that we need to table this vote that we need to define these things because I don't believe there's fair representation. Obviously, people feel it's not fair representation on the domestic side, but yet, I look at it and I say there's clearly not fair representation on the agricultural side. I look at, and Peter Stickells' ranches come up several times down here, Zach Ranch. I look at equity and I say, OK, if you're going to look at equity within this, I am a small producer. I'm about as small as they come to actually be a producer, theoretically my operation isn't sustainable as a commercial operation because it's too small. That's just reality. Family farms, small farming, are dying. Phil came from the family that farmed in the Central Valley for how many years?

Phil West - Well over 60 years.

Greg Allen - You know, and these family legacies are dying; this is food. This is life for people. Water is life. Food is also high. Where do we go for our food? These are considerations in this, but we are looking at an area that we don't do, a lot of people say but there is no food being produced here. Well, no there is. Well, that's alfalfa. Where does that feed go to. What eats the alfalfa? Oh, yeah, horses eat it. And mules eat it. Cattle eat it. Dairy cattle eat it. Sheep eat it. Chickens eat it; chickens don't eat alfalfa. Sure, they do. Look at chicken feed. I mean, that's a product that's in there. This is a product that's produced in our area that benefits everybody. We went through this before that my operation though it was looked at being a good operation because it was small benefits me and me alone. I feed my pack stock, I feed my animals with it. I don't sell my product to other people. But the water I pump out of the ground, 660 gallons a minute is not 660 gallons a minute that's gone out of the ground because having LDN systems, Low Drip Nozzles, LEFA systems, LESA systems, any irrigation that water is very close to the ground the evaporation rate is almost nothing. They're costly, they're expensive. We look at these operations, somebody Carol Ann mentioned \$20,000. I had a problem with my one well that I have. \$60,000 to rectify a problem that the well driller caused. Lost my initial crop I planted into the ground, had to basically put a new pump in at \$10,000 just for the pump alone. Nothing to do with the motor, nothing to do with the water column, the shaft. So, these are expensive operations and I think that's where we have to kind of realize what we have in this. Now we



have an area that was an agricultural valley. Families that have lived here for most of their lives, this area was agriculture. People have moved into an agriculture area. If we continue, my son-in-law's family has a dairy. They just sold off. Jan and Bettencourt Dairies they sold off most of the dairy. These are families that are dying, our food is moving away. Where do we end up with it? Do we go to the Bill Gates route? We produce artificial meat in a laboratory. Do we produce artificial products in a laboratory? Not something I'm really keen on. You know I look at it and I kind of, I'm an old school person, I pack mules in the mountains. It hasn't changed for 100 some years, the way we do it. Farming in this area is not big corporate farming. It's small farming. People would look at it and they go, that's a lot of land. That's nothing. I mean, you look at any place you go in this country and you look at corporate agriculture. You're talking 10s of thousands, hundreds of thousands of acres. When we took the Central Valley, 695,000 acres was fallowed because of drought is what it was equated to, lack of water. That's a nightmare over there. I'm glad I'm not in the Central Valley. People horizontally boring literally out of county lines even to try and find water. People say that's madness. But it's like, do you want to eat? Do you want the crops? California, we produce in the Central Valley, 40% of all the fruit and vegetable crops in this country. When you take 695,000 acres. Fallow that land that literally equates to 1 1/2 million people that are not fed and that has to come from someplace. And I think this picture is a bigger picture. None of us moved here because we wanted to live in a big city with concrete and asphalt and glass. We moved here because, well, this is beautiful. We've got these beautiful mountains. We have places like Fish Slough. I run a pack outfit. I sell the wilderness in a sense, which some people have a problem with, to be able to take people in there. Well, I pack people in wheelchairs because they couldn't get in there. Wheelchair was folded up. They were put on an animal, taken into the back country. They were able to experience their public land. People have different views. Well, that shouldn't be allowed. Why shouldn't it be allowed? I realize that there's a balance because if I don't have a good backcountry, I can't sell it to my clients to take a pack trip. Well, it's the same thing for this area. We turn this as I think Peter very eloquently mentioned in the last meeting we had here. Do we want a Dust Bowl here? What do we do with the infrastructure here? I run my well off of a diesel generator. Because there was not enough power to give me power to run my well and my pivot. We're not talking a lot of power. But it requires the pump at the level that I do or the value that I do. So, we have major issues that are considerations, infrastructure issues, sewage issues, water usage issues. What do we do with these thousands of acres that we have here? That's farm land. Does it just go fallow? Do we not grow, crops take water, I mean, plain and simple. That's what it takes. We don't have crops. We don't have moisture in the air, we don't have crops we don't have the air quality we have here. We have dust. We have oxygen not being produced by the plants that are there. There's a lot of variables that I think we have to be really careful of. My point in all of this is the fact that we stepped into it and said agricultural. And I believe that is one of the things that we need to correct on this Board is we need to define what these seats are here. Phil wasn't an Ag Director. He was a domestic Director. We needed to try and get some things done to get some more people on the Board to give it equity. Well, Phil has a well that will pump that volume of water. Ed has an old fire hydrant well; it was the original fire hydrant in Benton. That was one that would pump that kind of water. My idea of equity is no, you

have a small producer on there. You have a large producer on this. I don't know the challenges that a Peter Stickells goes through on his operation. I can't tell how many employees he has that he pays, that he houses there, that he keeps employed, et cetera. I don't know the challenges he has. Don, who applied for the position here, along with Dennis, both fine men, nothing against either one of them. I have no issue with either one of them. Don's family, the Mosses have a larger operation; in-laws do. They have different challenges than I do. I look at this Board and I say this Board needs to be broken down differently if we have agricultural producers, we need to have representation equally across the agricultural realm, because we don't.

Carol Ann Mitchell - Well, if I might, I'd just like to say we advertised for five years and no one would apply.

Greg Allen - Yes, right. I'm not blaming the Board.

Carol Ann Mitchell - so that's why the Board has the composition it has today, is because we advertise and advertise and advertise and no one would apply. So, then we were stuck with the problem of no quorum to conduct business of the Board, and that's why the board is....

Andy Puhvel - may I have a word? So, I just wanted to address a few things you said there, Greg. The first is regarding your.

Carol Ann Mitchell - We're in public comment. Just so you know, we still have to hear from the County Counsel.

Andy Puhvel - That's fine. I'll comment as a member of this community. The impact, the one big difference I believe everyone has to recognize is that the impact that the domestic well users, which far outnumber any agricultural user, are feeling from the agricultural users. My well has dropped 2 feet per year for 20 years. I know that all the data, we do not have a water model. Everyone's holding their breath on this water model, there was a pseudo water model done for the GSP under the OVGA, which pointed to overdraft as our problem. All the graphs taken by multiple agencies, professional agencies from Carson City, professional agencies from local Bishop, show that Chalfant is dropping at an average of 6 inches per year. Hammill is dropping at an average of two feet per year. Benton is dropping at an average of 1 foot per year. This is all data that has been accumulated over 20 or 30 years. All you talked to, I've talked to three hydrologists who study this area and you're going to get the same story. It's overdraft. That's what all the signs point to. Where is the most overdraft? If you want the numbers roughly 3500 acres of agriculture is done between all three valleys. About 2600 of that is done in Hamill Valley. That's why Hamill's dropping 2 feet a year makes perfect sense. That impact is impacting every resident. Not one resident without 100 gallon per minute well is impacting the agricultural people. Or any, it just doesn't go in reverse and that's why representation for the 1000 plus residents who live here I believe outweighs Zach Ranch, Peter Stickells' operation that does 2600 acres. Since 2014, when SGMA was enacted, five wells, 600 to 700 feet have been drilled. 5 wells that tap the bottom of the aquifer. Now you mentioned the Central Valley. In different areas, I know what's going on in those areas, but I'm not interested in those areas. This is what our situation is here. I am not a believer in shutting anyone's operation down, and I

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believe that if people are reasonable and downsize and find the balance; we've all used that word balance. Balance and Board membership, balance in pumping. That is what the, that is what our mission statement is as a Board. That is what SGMA is all about is balance to achieve sustainability. Now when I see that my well is dropping 2 feet per year here and the agricultural around me is choosing to invest many millions of dollars in tapping deeper, then I don't see goodwill on behalf of that organization to actually achieve any semblance of sustainability or to prevent what has been proven by hydrologists is a steady drop in the aquifer of the Tri Valley.

**Greg Allen** - I don't think anybody is arguing that there's a drop in the aquifer.

**Ed Parkinson** - We're in a drought.

**Andy Puhvel** - Technically, if you want to see the numbers, this area has had an average of five inches of rain every five-year period from 1980 till 2022. We've had, 2-3 years ago, we had two or three years of extreme drought that was offset by a 9.5 inch year in 2017. I can show you all the numbers. There has been extreme drought in the West, but if you look at all the numbers from the Bishop airport combined with Mammoth Mountain combined with Phil's numbers, Phil takes rain gauge numbers himself, all the numbers show that ours are just slightly less than 1/4 inch below what our average has been since 1980. So, I refute the fact that people use the word drought as the cause of our aquifer dropping.

**Greg Allen** - I wouldn't. You've looked at numbers I haven't looked at. I would find that very hard to believe when everything.

**Andy Puhvel** - They're on the internet. You just spend your time looking at them.

**Greg Allen** - And you saw the papers I brought that NASA had, that spoke about the extreme droughts and the dropping of the lake.

**Andy Puhvel** - that was in Lake Mead in Arizona.

**Greg Allen** - But that was one place that was in the West. And so, this is why we need to do a strategic plan, why we need to have these water models done. You know, these are the things that are going to show us the science behind it and that's what we're looking for is the science. This what we're talking about here is an equity of what this Board is, what the spirit and the intent of the Board was and in spirit and the intent of the Board. As Carol Ann clearly stated, it was to give representation to agricultural, not saying agriculture should outweigh domestic users. I do question sometimes when people move to an area that is an agricultural area, a ranch that's been here for I have no idea how long Zach Ranch has been in production, as long as I've known, you know and so you have an area where this went on. What I look at happening, and this is all across not just the West but across the US, our agricultural production is dropping and that is the number you can look up and dropping drastically. A country that can't feed itself, and this comes from the USDA, a nation that cannot feed itself, becomes a captive nation to another nation. My concern is protecting that.



Andy Puhvel - let me say one more and so let me get, let me just make an analogy regarding agriculture and I, we all know we need to eat, we all know we need agriculture. Let's say, for instance, that we weren't growing alfalfa here. Let's say we were making soap and everyone needs soap. We all need to bathe ourselves. Now if one soap producer, let's say it was Greg Allen Soap in Benton was a small operation. And let's say that Zach Ranch was making soap and it was a large operation; the byproducts of the soap were some chemicals that got in our water. It wasn't even about pumping the water. If the water was becoming polluted, would you not argue that because of the larger operation, would you not agree that that operation because they're polluting our water system, needs to change their ways?

Greg Allen - yeah, absolutely.

Brett Wiley (Chalfant) - I have lived here since 80. I think there's a little miscommunication on one thing is that this country is, was pre-agriculture. White people came in here and it became agriculture, but there was stuff here before white people turned into agriculture. I get what Curtis is talking about, he's looking at Fish Slough, and if you look at the history of what happened in the San Joaquin Valley. There's been at least 60 years of over pumping in the San Joaquin Valley. The history of San Joaquin Valley was there were like about 200,000,000 beavers in the United States and throughout the whole West Coast, West of Sierras, east side, Whites, the coastal ranges you have all of these beaver ponds creating holding water and you have floods throughout the San Joaquin Valley. All the rivers on the West side flooded the San Joaquin Valley and drained out through the San Francisco Bay. That fed the groundwater. You get flooding, that flood creates groundwater. And we have drained that out. We've dried it up. We've gotten rid of the beavers, which are the major landscaper besides human beings. And what do we have now in the San Joaquin Valley? We have a Dust Bowl of agricultural pesticide that is poisoning people. We have the Delta becoming a salt path. It was one of the great agricultural areas and they're basically refusing to bring fresh water into that. I think that use of fresh water that if we don't bring fresh water into it, it's going to get salt in it and it's going to be useless. So my interest isn't just San Joaquin Valley, and I'm also seeing what's going on throughout the West. We're pumping alfalfa to feed cows in Saudi Arabia or we're growing pistachio trees in Ridgecrest, which have nothing to do. We're building places in Las Vegas and Arizona. What are people thinking? With the highest population growth in the United States is in Phoenix, AZ, where there's less and less water. So, it's not just us. We have to look at what we're doing. And my point is there is, there was, a lot of wildlife here, a lot of it is gone. And it existed pre White people showing up here. And that's important. We need to restore this value not just for what agriculture uses. We need to restore the groundwater so that other things can maintain life here. Plants and everything else that existed before we got here. And I would like to make that point.

Carol Ann Mitchell - Thank you. Anyone else? Then we're going to go to the County Counsel report. OK, Betsy.

Betsy McDonald - OK, now I'm public comment. So just to get back to the thing at hand, I think what's really important, because I hate to say this, but we're not always going to be here, right. And so, the Board is going to be made-up of whoever gets on the Board beyond us, right? If you



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come to a point which you need to come to where you define what the seats are for, that's what we're talking about, so that there's fair representation. Greg, you mentioned you're the only person that's actually producing. So right now in the, you know, now that I've studied the statute. It says 4 at large seats. 3 for people with wells of 100 GPM, possibility so that doesn't mean that those three people are actually producing agriculture that you have and that's why you guys can be in the positions. So, the definition of the at large seats those four seats is what we're talking about tonight. So are you going to define those as anybody who owns property here, which means potentially 30 years down the road, you could have all people with 100 gallon per minute wells because there's nothing that says they can't take those at large seats. So that's what we're talking about tonight, right? Defining those. OK. Thank you.

**Carol Ann Mitchell** – correct. Anyone else, and we're going to hear from the County Counsel. OK, Dennis.

**Dennis Murphy** – Greg, invite the Ag guys. But, lets limit it to 3. So, there's the balance. And I think the elephant in the room is Zack Ranch and they can't be represented because they don't live here. And that's another issue. But that's really, we get that you're, you know, doing your job, you're doing well and you're small guy and you're not causing problems. All we want is the data. Give us the data. Wells are being drilled. But while they're being drilled to very expensive, high speed, blah blah deep wells, there's data available. If that data says you don't need those wells or we're fine because there's plenty of water, share the data. All we want to do is sleep well at night and wake up thirsty in the morning satisfied. An occasional flush maybe.

Right. OK. But we're not keeping you back from the three seats. We're just saying. That should be enough.

**Greg Allen** - And that's what I'm saying. We need to define that. We need to define what these seats are. It's not just the 4, it's all the seats. Because when Carol Ann read that it was to give a voice to the agricultural side of it. And so, it all needs to be defined. That's my point. The whole thing needs to be defined. It isn't four seats, three seats. It's all of it needs to be defined. We need to clean up our language. We need to come to an equitable point that is agreed upon with everybody in here. It's not one side, it's not another side.

**Carol Ann Mitchell** - I'd just like to say one thing before we close Public Comment. Is that we were part of the Owens Valley Groundwater Authority for a short time, and because it wasn't working out that the concerns from this area were being addressed by the Owens Valley Groundwater Authority, we withdrew. But during that time that we were in there, they had hired a consultant to do a study for the whole Owens Valley Basin, of which we are a part, which goes all the way down to almost Ridgecrest, and in there is a study part on Tri Valley. And I encourage you guys to look at it. It does say in there that Chalfant is dropping 2 feet a year and there is more in Hammill. It also has data in there that there is over 100 wells in these three valleys, which I didn't want to believe, but they took the information from the Department of Water Resources from the wells when they were drilled. They say that there is over 100 wells in these three valleys that are vulnerable to drying out. So, we need to think about that, yes.

**Curtis Milliron** - I just have a comment about maybe the definitions of agricultural interests and domestic, you know the other 99%. And that is that I think it needs to have broad understanding of that representation. So, it's not that you need to be a producer currently. Or ever. But I think you need to represent the agricultural interest with facts and understanding and knowledge and some currency in that, because that's what your position is, you're representing agriculture. I don't think you have to meet any certain qualifications and that then those two things like knowledge and background or you know, some kind of something that can make you able to do that. And I think that the other four seats have a much broader. You know, just find people with broad interests and you know there's a lot to choose from.

**Carol Ann Mitchell** - Thank you. Anyone else? OK, this will be the last time.

**Brett Wiley** - OK, so I guess what I'm asking is there any chance that you could have like somebody who is a wildlife biologist on the Board, at least in an advisory capacity, so they were not just looking at people who are worried about their home water. They're not just people worried about agriculture. But we have somebody who is at least a consultant/advisor voting that's worried about Fish Slough.

**Carol Ann Mitchell** - That's very good suggestion. This Board has in their rules that they can appoint advisors. So, we will put that down as a suggestion.

**Betsy McDonald** - Do they have to be residents?

**Carol Ann Mitchell** - No, the Board interviews them and appoints. OK, we're going to go to the County Counsel and we're going to have this gentleman's public comment, then we're going to the County Counsel. And then there's more public comment. OK, go ahead.

**Bruce (Hammil)** - this is just a question, if we had advisers in that capacity of wildlife consultant and they've not had success getting Board members who are truly agricultural. They could also appoint someone who would weigh in on the agricultural.

**Carol Ann Mitchell** - They can. And they don't have to be a resident. They don't have to be a voter. And they yes, it's in the Board rules. I added it two years ago when you guys voted on it, so the Board can appoint advisors because there was a person that wanted to advise the Board years ago and he didn't live here. And so that was added to the Board rules.

**Andy Puhvel** - They have to volunteer their services, though. We can't pay them.

**Carol Ann Mitchell** - Yeah, we haven't discussed, but this Board has no money. So we're all volunteers and that's how we've been operating. I want to go to the County Counsel and then you guys can ask questions of him, OK?

**Chris Beck** - Alright, first I want to apologize for not being there in person. I had a 5:30 meeting today so wouldn't be able to make it out there in time. If I knew we'd have public comment for this long I may have made it anyway. You all have done a very good testament to what you're saying and the tough thing with this body as it exists is in other special districts your rules are

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really gifted to you and you can change them to fit the needs of your electorate. With something like Tri-Valley Groundwater Management District, your rules are set by the Legislature, which is constraining. And it does regulate you in a way that takes away some level of local control because it says the State Legislature has to change your rules. And as you're talking about it here, you know, there's been a discussion back and forth about domestic interest and agricultural interest and what the statute says is that there's at large seats and there's those who have the ability to use or pump 100 gallons per day of non-domestic use it does seem that it falls within both domestic and agricultural uses and as you see from the makeup of your Board, and the good discussion you've had so far is that there are diverse interests on your Board. But what you're left with today for your rules is that there's four at large seats and three non at large seats. And so you're left with the ability to appoint someone to fill a vacancy on your Board. And because I've heard from some people I want to point out from, excuse me, from the Legislation, generally Section 4.04 B - A quorum of the Board of Directors shall be 4 voting members. So, to take any action you need four members to vote in unison. However, when there's a vacancy on the Board, you only need the majority of the remaining Directors to make an appointment. Now, since we have six, that is still 4. So, any action for this Board to be taken tonight would require either four people to put someone on the Board or if you intend to stay the appointment, 4 people to stay the Board, making a motion saying we shouldn't do this tonight, we should insert XYZ. So, what I'd like to do is I'm strictly here from the legal standpoint. You guys are very specifically the policy makers, but as you have your discussion, as we get to this item, specifically, item 4, I want to be available to answer questions from either the Board or the public. I apologize for my coughing in advance, but know that I'm here to answer any questions, it seems you know the rules and I know they're a bit different than what we have perceived them to be. But as you go through the process, if there's anything I can do to help or any questions I can answer just know that I'm happy to.

**Carol Ann Mitchell** - OK. Thank you, Chris. As the chair, I'm first going to ask the Board for questions and then from the public. Is that alright?

**Chris Beck** - That's fine, sure.

**Andy Puhvel** - OK. So, Chris, can you hear me? So, from what I understand from your initial statement, my question is, is the Board able to pass an ordinance or a rule which defines the positions as 4 domestic and 3 - 100 gallon per minute? Or is that strictly done through the State Legislature?

**Chris Beck** - It's sort of a hybrid combination of the two. The Board would pass the recommendation and direct the County Counsel's office to draft legislation to present to the State Legislature. So, you could give direction, but the ultimate decision really is with the Legislature, correct.

**Andy Puhvel** - Thank you.

**Carol Ann Mitchell** - Any more questions?



Greg Allen – Chris, I'm going to ask and I don't know if you want to answer, when you and I talked about a week ago about Senator Barryhill's, write-ups on this and the changes to it, you had recommended that you felt that we should hold off on a vote until we can kind of have everything in place more.

Chris Beck - Well, it's not as much a recommendation, it's an option that's available so you know, we're at a special meeting tonight that we're calling a special meeting, but the agenda was issued 72 hours ahead, so it qualifies as a regular meeting. The big thing is ensuring that the people within the Tri-Valley Ground Water Management District have an opportunity to attend and be heard on the issue for today. You guys do have a good turn out, but that discretion still lies with the Board and if the Board says, you know, we'd like to have listening sessions over the next 30 to 60 days or we'd like to defer this and give it to the electorate at a general election, that's all the vested authority within the Board. But likewise, the Board does have very specific authority, if they choose, and have the 4 votes, to make an appointment to the vacancy.

Carol Ann Mitchell - Any more questions from the Board?

Phil West - Yeah, I have, Chris. I have one question that because some of this started back, gosh, Carol Ann, I don't know how many months, years ago, when we started losing our Ag producers.

Carol Ann Mitchell - That was about five years ago.

Phil West - five years ago and we had no rep., no Director on the Board for the B position as a 100 gallon per minute and so I opted to change my designation from Director A to Director B for some representation for that Ag. part. And I think part of what we're all talking about here is as we rectify this situation, is possibly going back because it's not needed anymore? If that makes any sense.

Chris Beck - And really, it's, so you know, the discretion does lie with the Board. The tough thing is that positions on the Board lie with the electorate. The difficulty arises when there's a vacancy the electorate is essentially set aside by Legislation and it's the Board's best discretion to appoint the vacant member to the seat, and we're making the point that they can see. And you're right, it's as especially as I heard the public comment, which was very thoughtful insight on the matter. But I think it's much appreciated is that the goal is that you have some sort of balance of the representative interest. From the Legislature position they really they divested themselves from any control over that. They said here's four at large seats. Here's three 100 gallon producers. You guys choose how that fits and works for you. And so, they remove the constraints from themselves and give it to you. So, you really have the sort of absolute authority about the composition of your Board. And if there arises, in really a position where that no longer seems tenable, then the Board can give direction to the County Counsel's office to craft new legislation and present that at the direction of Board to legislature. But then it may become a bit more precarious as to whether they pass that because it's not entirely aligned with



the initial discretion or direction from SGMA, not saying past, but it's just it made a departure from that.

**Carol Ann Mitchell** - Is there any more questions from the Board? OK, from the public; any questions? It looks like we've got a lot of work ahead of us.

**Andy Puhvel** – may I say something?

**Carol Ann Mitchell** - go right ahead.

**Andy Puhvel** - From everything I've heard tonight, it sounds like our course of action, for one, should start by postponing this vote. I believe that most Board members, I know Greg voiced that and I believe with what we're dealing with, that's the first course of action to postpone the filling of this vacancy. And secondly, I see that what we're dealing with, like Betsy said, is the future of this Board and the future of representation in the Tri-Valley. And I believe that is more important than most of the work we've been doing since I joined the Board. I believe that this is our legacy as to how this Board will function. And so I would make a motion that we work on with County Counsel to draft an ordinance to change our legislation so that there is representation better defined as for domestic users and three at 100 gallon per minute users, as we have all been working under that assumption since we've been part of this Board, including Carol Ann, who's been here since 1990, and she's been working under that assumption. That is sort of what I came away with after the last meeting and this meeting is that, even though the wording does not define, that everyone involved in this process in good faith has had that assumption that the representation is balanced, four to three because of the makeup of the Tri-Valley population. So, I would make a motion that we table the vote for vacancy and apply for a change in the legislation.

**Carol Ann Mitchell** - OK. Is there a second?

**Geri Bassett** - I'll second that.

**Mike Godbe (Chalfant)** – can we ask County Counsel some questions about that?

**Chris Beck** – Sure.

**Mike Godbe** - If the board was to propose Legislation for you to take to the Legislature, what do you anticipate to be the turn around, tell the Legislature they're either going just up or down.

**Carol Ann Mitchell** - A year.

**Chris Beck** - So it would be first, I mean we have to workshop if we're going to propose legislation. I would recommend at least two or three workshops that we have at meetings of Tri-Valley Groundwater Management District to get public comment and then taking that public comment we would have, I would say the conclusion of the third meeting, specific direction. Or it says, you know, draft legislation that says this and present it, and then it goes to the Legislature.

We're sort of in the middle of a Legislative session now, but if I would say somewhere between 6 and 18 months before legislation is yea'd or nay'd.

Mike Godbe - And then it goes back the following year.

Chris Beck - Right. It's not even, they wouldn't be emergency legislation, yeah.

Carol Ann Mitchell - It'd probably be 2024 or later.

Mike Godbe - I think longer, I think much longer probably. So are you suggesting to table the vote until, to let that Legislative process that might be proposed, decide the last seat. Or just temporarily table a vote on the last seat and also and then also on a parallel track, for this legislation. I'm just, are we not going to fill this 7th seat for three years, because we're gonna pursue a legislative change?

Carol Ann Mitchell - Could you repeat your motion?

Andy Puhvel - That's a good question. I was speaking about tonight. So that was what I was focused on and I believe that question would be further answered by the Board. We'd have to decide that.

Carol Ann Mitchell - Go ahead. Can you talk as loud as you can?

Brett Wiley - Yeah, sorry for the ignorance, but what relationship does this state have with the federal government, BLM? And since they did a land trade for the purpose of creating Fish Slough areas, and because of the wildlife there, what concerns do they have to be part of this if that's drying up.

Carol Ann Mitchell - So far, since we've been in existence, we've had BLM here maybe once or twice.

Brett Wiley - OK. I just didn't know why they wouldn't want to participate in that, because there are springs over there, but that.

Carol Ann Mitchell - Now California Fish and Wildlife have been here, and they regularly attend, and they get our agendas.

Andy Puhvel - There are many agencies that are interested in this and, to be quite honest, not many have been showing up lately. But they have in the past been very much a part of this especially in the break from the OVGA, it was big. Yeah, they were more active.

Brett Wiley - I'm kind of late to this. I just want to know what you think.

Andy Puhvel - That's sort of, yeah, sort of a different topic.

Carol Ann Mitchell - Is there any more questions from the public? OK. All right. We have a motion.

**Phil West** - I'd like to ask Andy for clarification on your motion that that's a temporary until we are able to go through some of the questions that we're looking at on defining the Board. So it's not that we're not going to be waiting two or three years, it's going to be just for this defining period, OK.

**Andy Puhvel** - I would agree with that, Phil. Yes, yeah. I think tonight is too soon with what's gone on and how we're dealing with this and I don't believe that this, the motion, the tabling of the vote isn't as important as the motion to actually change the legislation.

**Phil West** - I agree. I think we need to get defining parameter set, which is what you read at the beginning.

**Carol Ann Mitchell** – what we can do, the Board already decided that next week we are having our regular meeting here in Chalfant and the County Counsel will be going through the Sustainable Groundwater Management Act, which is a workshop to explain it. We've already had that on the schedule a long time. But we can at that point set a date to start working through some of these issues in March. Does that sound good?

**Andy Puhvel** – yes.

**Phil West** – yes.

**Carol Ann Mitchell** – ok. And we can do special meetings to speed up the process a little bit.

**Greg Allen** - I think we've got a lot of homework to do.

**Carol Ann Mitchell** – I know you do. All right, so we have a motion and a second to draft an ordinance to clarify the positions on the Board and to work with County Counsel to apply for legislation to correct the verbiage in our District statute, is that correct? OK.

**Andy Puhvel** – sounds like it to me.

**Chris Beck** - I'll chime in there real quick because if that's the motion I think that will need specific language for tonight. What I would say is that the motion is, that the matters is tabled for tonight to a workshop and a date uncertain to get specific direction from the Board on what legislation they would like to propose and then from there set the public comments because it's one of the, and I couldn't tell who it was, but you know what, if we're going to propose new legislation to that effect and then we want the public comment sessions available in the workshops so the interested parties have a chance to participate like Fish and Wildlife, like BLM, like land owners within the District. And so it would just be to table the item and bring it back for further discussion, and I can lead the discussion. But it's very specific, to get very specific direction from the Board on how they want to craft it, and then I'll draft legislation and then from there you know I can prescreen it through the Legislative Analyst Office to see whether we're in the ballpark or not. Does that work? Is that OK?

**Andy Puhvel** - Yeah, that sounds great. Thank you, Chris.



**Carol Ann Mitchell** - OK. So, we're going to work as fast as we can to get this issue resolved. It won't be resolved next week, but we invite you all to come back next week and hear our workshop on the Sustainable Groundwater Act, it's really important. OK, so we have a motion and 2<sup>nd</sup>. Is there any further discussion by the Board? No discussion being heard. I'd ask for a vote. All in favor, aye. Unanimously carried. We thank all of you for coming tonight and we hope you continue to come and get your questions answered and we'll work with you too. Yes, already.

**Andy Puhvel** - I just wanted to also say thank you for coming and the more people that come to these meetings, they're only one night a month. I'll even bring refreshments if that gets you here, but there's some really intelligent voices out there who obviously care about what's going on, and we really appreciate you showing up.

**Mike Godbe** - Do these zoom meetings happen every time there's a meeting?

**Carol Ann Mitchell** - No, he's usually here in person, but he had a 5:30.

**Mike Godbe** - But like for instance, meetings in Benton, could they be on zoom so that people can attend over?

**Carol Ann Mitchell** - Yes, if we can get someone to help us with zoom. The only person on the Board that knows Zoom is me and we would need somebody to volunteer while I run the meeting because it gets too crazy.

**Phil West** - It's too much for a Board member doing the Zoom and.

**Andy Puhvel** - If there's a volunteer in the community that wanted to set us up with a little technology tutorial, I could do it. But I'm a techno Neanderthal, so I need a little tutorial.

**Carol Ann Mitchell** - So we've been asking for a couple of years for somebody to help us with that.

**Greg Allen** - And I've got a question why people don't want to travel to Benton..

**Andy Puhvel** - it's gas.

**Greg Allen** - it's literally 18 miles up the road. I mean, I think it's an important issue that we're all dealing with here and the more participation we get, I mean we had big groups out there, some very good side groups. This is probably the largest we've seen until the time and it's an important issue

**Carol Ann Mitchell** - Probably years.

**Greg Allen** - and I think we need everybody's input to make that little travel. It's not that much further up the road. A little cold, wear jacket and.

**Mike Godbe** - We're doing this in the pandemic for two years and, I mean, figure out Zoom.

Draft

**Greg Allen** – It's a lot bigger facility out there actually.

**Andy Puhvel** - Well, I will look into it. I'll see if I can come out of my techno cave.

**Mike Godbe** - I have a good reason for not coming to more meetings. But I can tell you truthfully that I will come to more meetings.

**Carol Ann Mitchell** - Well, we're waiting for, also for, the governor to change the requirement that we have, you know all of the districts and County Board of Supervisors and everyone has been doing Zoom for the last few years with pandemic and there is a resolution by which we have to approve that only lasts for 30 days and we're waiting to hear if that's going to be taken away. In which case still, by the Brown Act, there will only be in person meetings, so that may happen in the next year.

**Greg Allen** - So if you're here next week, you'll probably hear us vote on it again, if we're going to do the zoom meeting.

**Carol Ann Mitchell** - Before everyone goes, I'd just like to tell you that we always have our agendas and our minutes on our website, which is [www.tvgmd.org](http://www.tvgmd.org). We also have the list serve that we will send out everything that is to be considered by the Board in a packet, a PDF packet, which you can sign up for and it gives everything. Everything we got to spend money on, every action. It's usually about this size every month so you know. Let us know if you'd like that. I will have a piece of paper up here and you can sign up with your e-mail, if you don't get it already. Any other questions? Or comment.

**Chris Beck** – So, with the Zoom. So, like the Chair described, the Zoom rules are changing where we really can't have Zoom meetings, but that just applies to the members of the public body. So if someone's able to still stream the meeting and make it available to the public, the public can still attend remotely regardless. But the Board members have to be in person.

**Andy Puhvel** - So we don't even need a resolution as long as we have the technology working, we can set that up.

**Chris Beck** - Right. So, the Board members need to all be in person in one location otherwise it doesn't comply with the Brown Act. But to make it available to as many members of the public as we can, through Zoom, if someone is able to do that it would be very helpful. And I'll add this since I have the floor, just seeing the dialogue and discourse tonight, the folks on the Board have divergent and distinct interest, but watching the cordiality with which you guys all discussed it with each other is commendable. You know, I grew up in a small town of about 2000 people, and, it was called Agua Dulce, which literally means sweet water. And the place was pumped dry. Everybody had to go to get water, which is not the best idea, because there were no stewards to ensure the sustainability of water and so I commend you all for what you do, you though you represent like I said, diverse interest, the nature which we have thoughtful and respectful discussions that get quite good.

**3. County Counsel Report**

Please see pages 12 thru 16 above.

**4. Director Vacancy on the Board for at large user.**

**From the TVGMD enabling statute:**

Four members shall be residents of the District who are the owners of record of real property located within the District. These members shall be elected at large from the District, except as provided in subdivision (d).

Three members shall be residents of the District who are the 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 exclusive of domestic use. These members shall be elected at large from the District.

**a. Open Nominations for the vacancy on the Board.**

**b. Public comment**

**c. Close Nominations, discussion and possible action by the Board to make an appointment.**

4 A, B, C - Please see pages 4 thru 19 above.

**5. Adjournment to February 22, 2023 at 6:30 p.m. at the Chalfant Community Center.**

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

Vote – all directors in attendance – “yes”.

Meeting was adjourned at 7:49 P.M.

The next regular meeting will be:

**February 22, 2023**

**6:30 P.M. at the Chalfant Community Center**

**Geri Bassett, Secretary, TVGMD**