

**DRAFT  
MINUTES**

**MONO COUNTY TRI-VALLEY GROUNDWATER  
MANAGEMENT DISTRICT  
November 15, 2023 6:30 P.M.  
Benton Community Center**

Acting Chairperson West called the Closed Session to order at 6:03 P.M. on November 15, 2023. The meeting was held in person.

**Roll Call:**

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

Directors Absent: Puhvel (excused, sick); Duggan (at conference)

Advisory Board present: Betsy McDonald and Dennis Murphy.

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

**6:00 PM CLOSED SESSION – Benton Community Center**

**Closed Session - Exposure to Litigation**

**CONFERENCE WITH LEGAL COUNSEL**

**Exposure to litigation pursuant to paragraph (2) of subdivision (d) of  
Government Code section 54956.9.**

**Number of potential cases: One.**

The matter was heard in closed session and unanimous direction was provided to staff. Directors Puhvel and Mitchell were not present.

**REGULAR MEETING**

Acting Chairperson West called the regular session to order at 6:30 PM on November 15, 2023.

**1. Advisory Board Report.**

A.B. McDonald reported that they had not had a meeting but would get one scheduled. She gave kudos to Director Mitchell for her many years of service as the Chairperson. Service to the TVGMD as well as to the community.

**2. Public Comment.**

Jarret Phillips (Benton) commented that he had submitted a letter of interest for joining the A.B. and, other than an email from A.B. Murphy, had not heard anything. He was wondering if he was on the A.B. or not; what the process was. Director Mitchell reported that the A.B. recommends someone and then the Board of Directors appoints the person to the A.B. for a one-year term. A.B. McDonald explained that the issue is that the A.B. has not had a meeting since Jarret submitted the letter of interest.

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### **3. Discussion and possible approval of minutes for the October 25, 2023 meeting. (See attachment item #3)**

Without any discussion or requests for changes, a motion to approve the October 25, 2023 minutes as presented was made by Director Mitchell and seconded by Director Parkinson.

Vote – ayes – Directors West, Bassett, Mitchell, Allen, and Parkinson.

Nayes – none.

Absent – Director Puhvel.

### **4. Discussion and possible nominations for the Chairperson seat.**

After some discussion regarding who would be best to fill the Chairperson seat, people's various interests and intentions, and the election results not having been finalized yet, a motion to table the filling of the Chairperson seat until the February 2024 meeting was made by Director Allen and seconded by Director Parkinson.

Vote – Ayes – Directors West, Bassett, Mitchell, Allen, and Parkinson.

Nayes - none.

Absent – Director Puhvel.

Director West agreed to continue on as the acting Chairperson until the new Chairperson was chosen.

A.C. C. Beck replied that he can assist whoever ends up in the position with the preparation and posting of agendas

### **5. Update on the Board vacancy election results and plan for administering the Oath of Office.**

Director West reported that the November 7, 2023 election results would be certified on November 22, 2023. Administering the Oath of Office is scheduled for Friday, Dec. 1, 2023 between 8:00 and 9:00 AM at the Chalfant Community Center. Per state statute, the successful candidate takes office at noon on the first Friday in December next following the general district election. So, the Oath of Office must be done before noon.

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

A few public attendees and Board members noted that they had seen the helicopter performing the AEM Survey on approx. November 11 to 13, 2023. No report on the results has been received yet. The report is anticipated to take some time to complete.

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

Due to Director Duggan's absence, a motion was made to table this item until the December 2023 meeting was made by Director Parkinson and seconded by Director Allen.

Vote – Ayes – all Directors present.

Nayes – none.

Absent – Director Puhvel.

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### **8. Discussion regarding required Ethics and Sexual Harassment Training for:**

#### **A. Directors.**

Director Bassett explained that it was recently brought to her attention that Sexual Harassment Training and Ethics Training are required for the Board per California Government Code. This has been confirmed by A.C.C. Beck. The trainings are available online and need to be completed by the end of December 2023. She had a handout for the Board that contained the links to and some general details about the trainings. See Attachment item #8. She will email this to Board members.

In answer to Director Mitchell's question about repercussions of not taking the trainings, A.C.C. Beck replied that an A.B. member could be removed from the A.B. A Board member could be censored by the Board. There's also liability from the FPPC (Fair Political Practices Commission) for not completing it and by the Civil Rights Division, from the State. He added that we know that both of the trainings on the links meet the requirements and are free. Trainings available after Dec. 31, 2023 might not be free.

#### **B. Advisory Board members.**

Having researched the issue, a recommendation that the A.B. also complete the training was made by Director West. He pointed out that it would be good for the A.B. to take the trainings not only for their protection but for the body as a whole, protection for the A.B., which involves the County because the A.B. is an arm of the Board.

Director Mitchell was concerned about the amount of time required for taking the trainings and wasn't sure it was necessary for the A.B.

A.C.C. Beck added that, in his opinion, the way the legislation reads, they are required to take the trainings. And, out of an abundance of caution, he thinks it's good if they do it, particularly because of the way the A.B. is described, it literally acts as a Brown Act body that has some independent powers.

A motion for the A.B. to complete the Sexual Harassment and Ethics trainings by the end of December 2023 was made by Director Parkinson and seconded by Director Allen.  
Vote – Ayes – Directors West, Bassett, Mitchell, Allen, and Parkinson.

Nayes - none.

Absent – Director Puhvel.

Director Bassett to send the training information to the A.B. also.

### **9. Update on the Director's insurance project.**

Director Allen commented that he does not yet have an update on the Director's insurance. He will be contacting Jay Sloan, M.C. Risk Management, for the most up to date recommendation on the matter.

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

Director Puhvel, head of the committee, was absent. In his absence, Director Allen reported that they had not yet met. A.B. Murphy is also on the committee. They will be meeting soon to get some proposed language figured out.

Director Mitchell commented that, since it will take quite some time to get any proposed language changes through the legislature, it is important to keep this item a priority.

**11. Maps of the TVGMD, Mono County Groundwater Sustainability Agency (GSA) in Tri-Valley, Owens Valley Basin in the Tri-Valley, and possibly others from the Owens Valley Groundwater Authority (OVGA) Groundwater Sustainability Plan (GSP) showing various boundaries.**

Directors West and Bassett commented that there were copies of maps of the TVGMD on the front table for anyone that wanted a hard copy of them. Most of these were prepared by the local GIS person. One was from the OVGA GSP. Also available were links to the OVGA and to the GSP that was submitted to DWR in January 2022. This item was in response to questions at the October 25, 2023 TVGMD meeting. The maps will also be available at the December meeting in Chalfant.

Director West will put the links and a couple of the maps on the TVGMD website.

**12. Discussion and possible vote on policy regarding the format for meeting minutes.**

Director Bassett explained that this was an item that was carried over from the September 27, 2023 meeting. There had been a question about how the minutes were desired to be written. Any actual policy on the minute format needs to be approved by the Board.

Discussion included:

- legal requirements for minutes
- minutes do not need to be a verbatim, word for word, transcript-style account of what was said during the meeting
- the meetings are audio-recorded and can be used as a back-up if there is a question on an item
- length of time legally required to keep the audio-recording (24 hours) and the actual retention practice (indefinitely).
- the need for accurate minutes to satisfy an auditor, including preparing minutes even if meetings are canceled ahead of time or adjourned due to lack of quorum and explaining why an agenda item update is repeatedly “no report” or “nothing new”
- concern about the time involved in preparing the transcript and minutes; concern about the secretary “burning out”
- public comment should be as detailed as needed to include each person’s comment, having at least a summary of the comment if it is lengthy

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- public attendees can record the meetings if they don't interfere with the meeting
- adding any policy that is decided on to the Board rules
- researching a better recorder, getting microphones for the Board and one for the public to use for comments
- checking with Mono County I.T. to see if they have equipment that could be used for TVGMD meetings
- Board members that feel that the minutes are incorrect can ask that corrections be made

Minutes need to be an accurate representation/summation of what transpired at the meeting; what was discussed, motions made and voted on, the result of any vote, actions decided on.

At the end of the discussion, a motion to leave the format of the minutes up to Director Bassett (secretary/treasurer), to do as she thinks best, as long as they meet the minimum legal requirements, was made by Director Parkinson and seconded by Director Mitchell.  
Vote – Ayes – Directors West, Bassett, Mitchell, Allen, and Parkinson.

Nayes - none.

Absent – Director Puhvel.

Director Allen will continue to look for better recorders. It was unclear who was going to contact M.C. I.T. to see if they could help out with this issue.

### **13. Board of Directors reports.**

No Director reports.

### **14. Adjournment to Wednesday, December 20, 2023, 6:30 p.m. at the Chalfant Community Center.**

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

Vote - Ayes – all Directors present.

Nayes – none.

Absent – Director Puhvel.

Meeting was adjourned at 7:28 PM.

**Next meeting is Wednesday, December 20, 2023 at 6:30 p.m.  
at the Chalfant Community Center.**

**Geri Bassett, Secretary, TVGMD**