

MINUTES

Thursday, May 20, 2021
Mammoth Community Water District
Regular Board Meeting

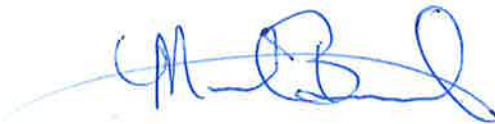
The Board of Directors convened in session at the hour of 5:39 p.m. A brief recess was taken and the meeting was adjourned at 8:03 p.m.

Prepared by:



Stephanie Hake
Executive Assistant

ATTEST:



Mark Busby
Board Secretary

THE REGULAR MEETING of the Board of Directors of the Mammoth Community Water District held on Thursday, May 20, 2021 at 5:39 p.m.

ROLL CALL

Board Present *

Director: Tom Cage (*arrived at 6:53 p.m. and participated in closed session only*)

Director: Robert Creasy

Director: Dennis Domaille

Director: Tom Smith

Director: Gary Thompson

Board Absent

None

Staff Present *

General Manager: Mark Busby

District Engineer: Garrett Higerd

Operations Superintendent: Clay Murray

Maintenance Superintendent: Jerry Baker

Finance Manager: Jeff Beatty

Information Services Manager: Justin Mulbay

Senior Administrative Analyst: Betty Hylton

Principal Administrative Analyst: Chris Weibert

Executive Assistant: Stephanie Hake

District Counsel: Joshua Horowitz

Guests Present *

Jerry Gladbach, ACWA-JPIA

Pam Bold, High Sierra Energy Foundation

Gil Campos, Mammoth Middle School

**** As a result of the threat of COVID-19, the Governor issued Executive Order N-25-20 dated March 12, 2020 allowing for Directors, staff, and members of the public to attend this public meeting via teleconference without strict compliance with the Brown Act's teleconferencing requirements. To maximize public participation, comply with Brown Act requirements, and provide a clear record of the meeting, public comment was made available for each agenda item and all action items were voted on by roll call.***

PUBLIC FORUM

President Smith opened the public forum at 5:40 p.m.

President Smith said that a letter from Mammoth Lakes Housing, Inc. (MLH) had been submitted for Public Forum and included in the board packet. MLH is requesting a waiver of connection fees for an active affordable housing project. The letter included a description and location of the project. President Smith noted that items brought before

the Board in Public Forum cannot be discussed at the time and would need to be agendized for discussion at a later date.

Mark Busby asked Attorney Horowitz if there were legal constraints with agendizing the discussion at a future meeting. Attorney Horowitz said that there are legal considerations, but if the Board wants to have a discussion at a later date, that is acceptable and he could provide an analysis on the scope of what the District can and cannot do in relation to MLH's request.

President Smith directed staff to agendize the discussion for the next regular board meeting.

President Smith closed the public forum at 5:45 p.m.

PUBLIC HEARINGS

President Smith opened the public hearings at 5:46 p.m.

- 1) Concerning the Intent to Adopt the Water Shortage Contingency Plan*
- 2) Concerning the Intent to Adopt the 2020 Urban Water Management Plan*

No public was present and no oral or written comments were submitted, and President Smith closed the public hearings at 5:47 p.m.

CONSENT AGENDA A

A-1 Approval of April 2021 Check Disbursements (Springbrook #'s 59069 – 59169)

A-2 Approval of Minutes from the Special Board Meeting held March 23, 2021

A-3 Approval of Minutes from the Special Board Meeting held March 30, 2021

A-4 Approval of Minutes from the Regular Board Meeting held April 15, 2021

There was no discussion and Director Creasy made a motion.

BOARD ACTION – To approve Consent Agenda A

MOVED BY: Director Creasy

SECONDED BY: Director Thompson

AYES: Directors Creasy, Domaille, Smith, and Thompson

NAYS: None

ABSENT: Director Cage

CONSENT AGENDA B – STAFF REPORTS

B-1 Operations Department Report

B-2 Maintenance Department Report

B-3 Finance Department Report

B-4 Engineering Department Report

B-5 Information Services Report

B-6 Personnel Services Report

B-7 Regulatory Support Services Report

B-8 General Manager's Report

Director Domaille made a motion.

BOARD ACTION – To approve Consent Agenda B

MOVED BY: Director Domaille
SECONDED BY: Director Creasy
AYES: Directors Creasy, Domaille, Smith, and Thompson
NAYS: None
ABSENT: Director Cage

CURRENT BUSINESS

C-1 Presentation of Insurance Rebate from ACWA/JPIA

Jerry Gladbach of ACWA-JPIA addressed the Board and commended MCWD for having a culture of safety in the workplace. Due to claims being down and expenses being down, MCWD received a rebate in the amount of \$110,491.41. President Smith extended appreciation on behalf of the Board to the management team and staff for their ongoing efforts and making safety a priority.

BOARD ACTION – None, informational only

C-2 Discuss and Consider Adopting Separate Resolutions Pertaining to the District's 2020 Urban Water Management Plan

a) Resolution No. 05-20-21-11 Adopting the MCWD Water Shortage Contingency Plan, Chapter 8 of the Urban Water Management Plan

Betty Hylton provided a short slide show touching on the few changes in each of the 2020 Urban Water Management Plan's (UWMP) chapters. The most significant change being the required addition of chapter 8, the Water Shortage Contingency Plan (WSCP). She said that the details of the WSCP were not new and that the language was taken from the District's Code, Chapter 12, Division 12, which had been updated in February 2021 in anticipation of producing the WSCP.

None of the board members had any questions, but President Smith thanked Ms. Hylton for the thorough and hard work that went into completing the project.

Director Creasy and Mark Busby also expressed appreciation to Ms. Hylton and the rest of the staff that assisted in the production of both documents.

Ms. Hylton then noted that there were two tables with minor errors in the board packet's draft versions that had since been updated. 1) WSCP Table 1-2 and 2) UWMP Table 3-2.

Director Creasy made a motion to adopt Resolution No. 05-20-21-11 with the updated tables.

BOARD ACTION – To adopt Resolution No. 05-20-21-11 adopting the MCWD Water Shortage Contingency Plan, Chapter 8 of the Urban Water Management Plan as amended

MOVED BY: Director Creasy
SECONDED BY: Director Domaille
AYES: Directors Creasy, Domaille, Smith, and Thompson
NAYS: None
ABSENT: Director Cage

b) Resolution No. 05-20-21-12 Adopting the 2020 Urban Water Management Plan

President Smith then called for a motion to adopt the 2020 UWMP as presented.

BOARD ACTION – To adopt Resolution No. 05-20-21-12 adopting the 2020 Urban Water Management Plan

MOVED BY: Director Domaille
SECONDED BY: Director Creasy
AYES: Directors Creasy, Domaille, Smith, and Thompson
NAYS: None
ABSENT: Director Cage

C-3 Discuss and Consider Adopting MCWD’s Policies and Procedures for Providing Priority Service to Affordable Housing Projects

Mark Busby and Stephanie Hake briefly described the background for the policy. There was no further discussion and Director Domaille made a motion.

BOARD ACTION – To adopt policy no. PL-ADM-011 MCWD’s Policies and Procedures for Providing Priority Service to Affordable Housing Projects

MOVED BY: Director Domaille
SECONDED BY: Director Thompson
AYES: Directors Creasy, Domaille, Smith, and Thompson
NAYS: None
ABSENT: Director Cage

C-4 Presentation of the SAS (Statement of Auditing Standards) 114 Planning Letter for Auditing Services from Teaman, Ramirez, and Smith, Inc.

Jeff Beatty said that the audit planning letter is required communication from the auditors to the Board prior to them beginning their annual work. The letter broadly describes the scope of the work the auditors expect to complete.

There was no discussion.

BOARD ACTION – None, informational only

C-5 Discuss and Consider Approving Fiscal Year 2021 Engagement Letters with Teaman, Ramirez, and Smith, Inc.

- a) **Audit of Financial Statements for Fiscal Year ending March 31, 2021**
- b) **Appropriations Limit Agreed Upon Procedures**
- c) **Preparation of Annual Financial Transactions Report (State Controller's Report)**

Jeff Beatty explained that the engagement letters are a more detailed description of the scope of work expected to be performed during the annual audit.

Attorney Horowitz confirmed that it was appropriate for the Board to approve all three letters under one motion. There was no discussion and Director Creasy made a motion.

BOARD ACTION – To approve the Fiscal Year 2021 Engagement Letters with Teaman, Ramirez and Smith, Inc.

a) Audit of Financial Statements for Fiscal Year ending March 31, 2021; b) Appropriations Limit Agreed Upon Procedures; and c) Preparation of Annual Financial Transactions Report

MOVED BY: Director Creasy
SECONDED BY: Director Domaille
AYES: Directors Creasy, Domaille, Smith, and Thompson
NAYS: None
ABSENT: Director Cage

C-6 Discuss and Consider Approving a Notice of Exemption for the MCWD Water Storage Tank, T-1 Rehabilitation Project

Mark Busby briefly described the project and its location.

There was no discussion and President Smith called for a motion.

BOARD ACTION – To approve the Notice of Exemption for the MCWD Water Storage Tank, T-1 Rehabilitation Project

MOVED BY: Director Domaille
SECONDED BY: Director Thompson
AYES: Directors Creasy, Domaille, Smith, and Thompson
NAYS: None
ABSENT: Director Cage

C-7 Discuss and Consider Approving a Notice of Exemption for the Center Street Well Project

Mark Busby briefly described the project.

There was no discussion and Director Domaille made a motion.

BOARD ACTION – To approve the Notice of Exemption for the Center Street Well Project

MOVED BY: Director Domaille
SECONDED BY: Director Creasy

AYES: Directors Creasy, Domaille, Smith, and Thompson
NAYS: None
ABSENT: Director Cage

C-8 Presentation of the MCWD 2020/21 Annual Report on Key Projects, Programs, and System Improvements

Mark Busby thanked Betty Hylton for driving the project. Ms. Hylton noted that a press release was being planned for the report and it would be available on the District's website, social media pages, and at the front desk. Director Creasy said it was great that staff were producing this report and that it really showcased the amount of work being accomplished by the District even during a pandemic.

BOARD ACTION – None, informational only

C-9 Board President to Appoint District's Negotiators to Negotiate Possible Changes in General Manager Employment Agreement, including Compensation and Benefits

President Smith said that due to insight that was gained through the recently completed union negotiations and salary surveys, he felt it was an appropriate time to review the General Manager's performance and consider possible changes to his contract. He then appointed Director Cage to assist him in negotiating with the General Manager.

BOARD ACTION – None

Committee Meetings Held During the Month

Mono County LAFCO – April 28, 2021

Tom Cage

Pension Committee – May 4, 2021

Tom Cage

Technical Services Committee – May 19, 2021

Dennis Domaille

Gary Thompson

Finance Committee – May 19, 2021

Tom Cage

Robert Creasy

Mono County LAFCO Meeting:

Because Director Cage was not present, the report for the LAFCO meeting was deferred to the June 17, 2021 Board Meeting.

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Pension Committee:

Because Director Cage was not present, the report for the pension committee meeting was deferred to the June 17, 2021 Board Meeting.

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Technical Services Committee:

Director Domaille reported that the committee was updated on the following District activities:

- ✓ The repair work being done to Well 10
- ✓ The status of the drilling of the Center Street well
- ✓ The status of the drilling of the Laurel Pond monitoring wells
- ✓ The status of the BLM 3 monitoring well

Director Thompson added that a new engineer had been hired and would be starting in the Engineering Department in a couple of weeks.

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Finance Committee:

Director Creasy said that due to it being very early in the fiscal year, there wasn't much to report from the committee meeting.

DIRECTOR COMMENTS, REQUESTS, AND REPORTS

Director Domaille commented on the LVHAC meeting that he attended and that Ormat still appears to have a lot of work to complete on the CD-IV project in order to satisfy the terms of its Purchase Power Agreement by the end of the year.

Director Creasy said that there is a proposal from Kore Mining to do some exploratory mining in Long Valley and they will need water for the project. The contractor has indicated that they will be reaching out to MCWD to regarding the availability of construction water. Mark Busby commented that due to the drought conditions and current water conservation level, the District is unable to provide water to any customer outside of the District service area.

ATTORNEY REPORT

Attorney Horowitz said that the drought emergency in most of California is getting worse with significant impacts to the central valley. He expects specific restrictions to be imposed in the next month.

Following a brief recess the Board members went into closed session at 6:45 p.m.

CLOSED SESSION

D-1 Conference with Real Property Negotiators

Pursuant to Government Code Sections 54954.5(e) and 54956.8

Property Description: Mono County APNs – 035-100-003; 035-010-020; 022-322-035

Under Negotiation: Price and Terms of Payment

MCWD Negotiators: Mark Busby, Garrett Higerd, and Tom Cage

Property Owner Negotiator: Town of Mammoth Lakes

D-2 Conference with Real Property Negotiators

Pursuant to Government Code Sections 54954.5(e) and 54956.8
Property Description: Mono County APNs – 035-090-008
Under Negotiation: Price and Terms of Payment
MCWD Negotiators: Mark Busby, Garrett Higerd, and Tom Cage
Property Owner Negotiator: Scott Voss

D-3 Conference with Labor Negotiator

Pursuant to Government Code section 54957.6
District Employee Relations Officer: Mark Busby
Employee Organization: International Union of Operating Engineers, Local Union No. 12
Unrepresented Employees: Management, Supervisory, and Confidential

D-4 Public Employee Performance Evaluation – General Manager

Pursuant to Government Code sections 54954.5(e) and 54957

D-5 Conference with Labor Negotiators

Pursuant to Government Code sections 54954.5(f) and 54957.6
District Negotiators: As named under Item C-8
Direction concerning proposed terms of General Manager Employment Agreement, including Compensation and Benefits

REPORT OUT AND ADJOURNMENT

The Board adjourned out of closed session at 8:03 p.m.

It was reported from closed session that staff were directed to negotiate and enter into agreements with the Town of Mammoth Lakes and Scott Voss for easements and a temporary access license.

President Smith adjourned the meeting at 8:03 p.m.