

# MINUTES

Thursday, January 21, 2021  
Mammoth Community Water District  
Regular Board Meeting

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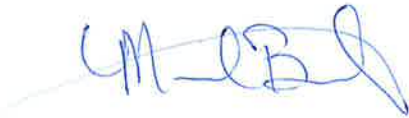
*The Board of Directors convened in session at the hour of 5:32 p.m. A brief recess was taken and the meeting was adjourned at 8:32 p.m.*

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, January 21, 2021 at 5:32 p.m.

### **ROLL CALL**

#### **Board Present \***

Director: Tom Cage  
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 \***

John Krueger, USGS  
Jacob Crummey, USGS  
Stuart Wilkinson, USGS  
Matt Jaroslowski, MCWD

***\* 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 5:32 p.m.*

*No one addressed the Board and President Smith closed the public forum at 5:33 p.m.*

***Some items were taken out of order to facilitate the meeting***

## CONSENT AGENDA A

- A-1 Approval of November 2020 Check Disbursements (Springbrook #'s 58461 – 58569)**
- A-2 Approval of December 2020 Check Disbursements (Springbrook #'s 58570 – 58679)**
- A-3 Approval of Minutes from the Special Board Meeting held November 17, 2020**
- A-4 Approval of Minutes from the Regular Board Meeting held November 19, 2020**

*There was no discussion and Director Creasy made a motion.*

### **BOARD ACTION – To approve Consent Agenda A**

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

## CONSENT AGENDA B – STAFF REPORTS

- B-1-December Operations Department Report**
- B-1-January Operations Department Report**
- B-2-December Maintenance Department Report**
- B-2-January Maintenance Department Report**
- B-3-December Finance Department Report**
- B-3-January Finance Department Report**
- B-4-December Engineering Department Report**
- B-4-January Engineering Department Report**
- B-5-December Information Services Report**
- B-5-January Information Services Report**
- B-6-December Personnel Services Report**
- B-6-January Personnel Services Report**
- B-7-December Regulatory Support Services Report**
- B-7-January Regulatory Support Services Report**
- B-8-December General Manager's Report**
- B-8-January General Manager's Report**

*Director Domaille made a motion.*

### **BOARD ACTION – To approve Consent Agenda B**

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

**CURRENT BUSINESS**

**C-1 Election of Board President, Vice President, and Assignment of Committee Members for 2021**

*Director Domaille suggested that Director Smith remain as President. Director Smith accepted the nomination and recommended that Director Cage take the position of Vice President. Director Cage accepted the nomination.*

*There was a brief discussion regarding the committee assignments where Director Creasy requested clarification of the non-standing committee assignments. Stephanie Hake said that aside from the standing committees there was the following representative and other committee assignments:*

**Other Board Assignments**

<b><u>Committee / Position</u></b>	<b><u>Members</u></b>	<b><u>Alternate</u></b>
LAFCO Representative	Director Cage	Director Thompson
Pension Representative	Director Cage	na
Ad Hoc Wastewater/Water Rate Fee:	Directors Smith and Cage	na
Ad Hoc Personnel Committee	Directors Smith and Creasy	na
President	Director Smith	na
Vice President	Director Cage	na
Secretary	Mark Busby	na

*President Smith recommended that the standing committee assignments for the coming year remain the same.*

**2021 Standing Committee Assignments**

<b><u>Committee</u></b>	<b><u>Members</u></b>	<b><u>Alternate</u></b>
Finance Committee:	Directors Cage and Creasy	Director Smith
Technical Services Committee:	Directors Domaille and Thompson	Director Smith
Investment Committee:	Directors Cage and Creasy	Director Smith
Long-Range Planning Committee:	Directors Domaille and Cage	Director Thompson
Employee Housing Committee:	Directors Creasy and Thompson	na

**BOARD ACTION – For Director Smith to remain as Board President**

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

**BOARD ACTION – For Director Cage to become the Board Vice President**

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

**C-2 Appointment of JPIA Board of Directors Member and Alternate**

*Stephanie Hake explained that the ACWA JPIA has one representative and an alternate from each of its members. Director Smith has long been the District’s representative, but it is recommended that there also be an alternate member. Director Creasy made a motion for Mark Busby to be the alternate. There was no further discussion.*

**BOARD ACTION – For Director Smith to remain as MCWD’s ACWA JPIA representative and for Mark Busby to be the alternate member**

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

**C-3 Discussion and Possible Adoption of Resolution No. 01-21-21-01 Appointing a Member of the Board of Directors as Trustee to the Mammoth Community Water District’s Money Purchase Pension Plan for 2021**

*Director Domaille made a motion for Director Cage to remain as the trustee to the MCWD Pension Plan.*

**BOARD ACTION – For Director Cage to remain as the Board Member Trustee to the Mammoth Community Water District’s Money Purchase Pension Plan, and adopt Resolution No. 01-21-21-01**

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

**C-4 Discussion and Possible Approval of a Request to Refinance a Primary Loan and Pay-off the MCWD Loan under the District’s Employee Home Purchase Assistance Program**

*Jeff Beatty provided a brief description of the request. Director Cage commented that this scenario was just what the program was intended to accomplish. There was no further discussion.*

**BOARD ACTION – To approve the request to refinance the primary loan and pay-off the MCWD loan under the District’s Employee Home Purchase Assistance Program**

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

**C-5 Discussion and Possible Approval of Entering into a Lease Agreement with USGS for Installation of a Communications Tower on MCWD Property**

*John Krueger of the USGS provided the Board with a Power Point presentation that outlined the proposal to install a communications tower on MCWD property. He described the significant operational improvements that the proposed tower would afford as well as having room for MCWD to add equipment that would bolster their ability to communicate with remote facilities. The proposal would encompass construction of a new tower at a mutually agreed site, but also the decommissioning of the existing antiquated equipment.*

*Board members asked several questions and asked for assurance that the District would not be burdened with any associated costs including for negotiating the new lease and associated environmental review of the project. Following discussion the Board voted unanimously for staff to work with the USGS on the terms of the lease agreement and bring it back to the Board for approval at a later date.*

**BOARD ACTION – To direct staff to work with the USGS on the terms of a lease agreement for the construction and use of a communications tower and the continued use of office space on MCWD property**

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

**C-6 Discussion and Possible Approval of Revised Policy and Agreements between the District and Employees Entering into the Employee Housing Purchase Assistance Program**

*Jeff Beatty opened by describing the proposed changes to the policy and agreements that resulted from the Employee Housing Committee meeting earlier in the month. There was a lengthy discussion between Board members and staff that followed. Comments were primarily from Directors Cage and Creasy. MCWD program participants Betty Hylton and Matt Jaroslowski both addressed the Board and requested that they consider allowing staff to have the option to change programs if the proposed changes were approved.*

*Ultimately, it was determined that the Board required additional information before making a decision on the proposed changes and that the policy and agreements needed to go back to the Employee Housing Committee for further revisions.*

**BOARD ACTION – None**

**C-7 Discussion and Possible Approval of Revised Policy and Agreement Regarding District-owned Rental Housing Units**

*Attorney Horowitz commented that the changes made to the Rental Housing Policy and agreement were to clean up and clarify some ambiguous language. The only change of substance was to require the tenant to obtain renter's insurance as opposed to it being optional. Director Creasy added that the tenants are now going to be required to submit proof of renter's insurance coverage each year of their tenancy by December 1.*

**BOARD ACTION – To approve the revised policy and agreement regarding the District-owned rental housing units**

MOVED BY: Director Creasy  
SECONDED BY: Director Thompson

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

### C-8 Quarterly Water Update

*Clay Murray provided a brief overview of the current water supply, noting that the only requested action was to make it snow. There was no discussion.*

**BOARD ACTION – None, informational only**

### C-9 Discussion and Possible Adoption of Resolution 01-21-21-02 – First Amendment to FY21 Salary and Authorized Positions Resolution No. 03-19-20-05:

1. Modification to the Unit Designations of Administrative Assistant and Administrative Analyst
2. Modification to the FLSA Designation of Administrative Analyst
3. Adding the Classification of Information Systems Specialist

*Chris Weibert briefly commented on changes being proposed. President Smith called for a motion.*

**BOARD ACTION – To adopt Resolution 01-21-21-02 amending the FY21 Salary and Authorized Positions resolution to modify the unit designations of Administrative Assistant and Administrative Analyst, to modify the FLSA designation of Administrative Analyst, and to add the classification of Information System Specialist**

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

### Committee Meetings Held During the Month

Employee Housing Committee – January 6, 2021

Robert Creasy  
Gary Thompson

Technical Services Committee – January 20, 2021

Dennis Domaille  
Gary Thompson

Investment Committee – January 20, 2021

Tom Cage  
Robert Creasy

Finance Committee – January 20, 2021

Tom Cage  
Robert Creasy

### Employee Housing Committee:

*Director Creasy said there was nothing to report that hadn't already been discussed (under Items C-6 and C-7).*

Technical Services Committee:

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

- ✓ Rehabilitation plans for Well 1
- ✓ Status on the drilling of Well 32
- ✓ Securing the site for the Center Street monitoring well
- ✓ The drilling of Laurel Pond monitoring wells
- ✓ Possible proposal from Tesla for a backup battery program
- ✓ Planning for back-up power at the wastewater treatment plant
- ✓ Impacts of COVID-19 on the Information Systems department

He expressed gratitude to Justin Mulbay and his staff for being flexible and maintaining top level IT support (as it relates to the pandemic) to all of MCWD over the past year.

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Investment Committee:

Director Cage said that the committee was provided with a thorough review of the financial market trends and the District's investment portfolio by the advisors from Chandler Asset Management. He noted that even in a very low interest rate environment the District's results are slightly above the average benchmarks. There was nothing else to report.

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Finance Committee:

Directors Cage and Creasy complimented all staff on doing a good job at staying at or under budgeted projections. All other discussion was routine.

**DIRECTOR COMMENTS, REQUESTS, AND REPORTS**

There were no comments, requests, or reports.

**ATTORNEY REPORT**

Attorney Horowitz reported that there are lots of discussions occurring at both the federal and state level regarding COVID-19 financial relief for local water agencies, but nothing of substance yet. He will continue to monitor and report any developments.

A 5-minute recess was taken then the Board members went into closed session at 7:38 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 Legal Counsel**

Existing Litigation – Pursuant to Government Code section 54956.9(a); International Union of Operating Engineers, Local 12 v. Mammoth Community Water District; Public Employment Relations Board

**REPORT OUT AND ADJOURNMENT**

*The Board adjourned out of closed session at 8:29 p.m. at which time Stephanie Hake was brought back into the meeting.*

*It was reported that the Board voted unanimously to approve a settlement with the International Union of Operating Engineers, Local 12. Following the report out, the Board opened up the discussion of business item C-9.*

*Following the brief discussion of item C-9, Director Domaille made a motion to adjourn the meeting.*

**BOARD ACTION – To adjourn the Regular Board meeting**

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

*President Smith adjourned the meeting at 8:32 p.m.*