

# MINUTES

Thursday, July 20, 2023  
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. There was a brief recess taken and the meeting was adjourned at 8:15 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 was held on Thursday, July 20, 2023 at 5:32 p.m.

### **ROLL CALL**

#### **Board Present**

Director: Tom Cage

Director: Dennis Domaille

Director: Elizabeth Hylton (*Attended remotely from Brainerd, MN via Brown Act Rules*)

Director: Tom Smith

Director: Gary Thompson

#### **Board Absent**

None

#### **Staff Present**

General Manager: Mark Busby

District Engineer: Garrett Higerd

Finance Manager: Jeff Beatty (*remote attendance*)

Operations Superintendent: Clay Murray

Information Services Manager: Justin Mulbay

Human Resources Manager: Chris Weibert

Principal Administrative Analyst: Michael Draper

Executive Assistant: Stephanie Hake

Legal Counsel: Josh Horowitz (*remote attendance*)

#### **Guests Present**

Michael Youril: Labor Counsel – Liebert, Cassidy, Whitmore (*remote attendance*)

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

### **PUBLIC FORUM**

*President Smith opened the public forum at 5:32 p.m.*

*Mark Busby commented that MCWD Laboratory Supervisor, Bruce Medhurst, was recently recognized by the California Water Environment Association's (CWEA) Clean Water Publication as an emerging leader in the industry. Board members expressed their appreciation for the remarkable work being done by Mr. Medhurst and the other laboratory staff.*

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

## CONSENT AGENDA A

- A-1 Approve the May and June 2023 Check Disbursements**
- A-2 Approve the Minutes from the Regular Board Meeting held May 18, 2023**
- A-3 Approve the Minutes from the Special Board Meeting held June 29, 2023**
- A-4 Approve a CEQA Notice of Exemption for the 2023 Winter Storm Emergency Repairs**
- A-5 Acknowledge the Recent ‘Certified’ Distinction of the District’s Investment Policy from California Municipal Treasurers Association (CMTA)**
- A-6 Accept the FY23 Governance Planning Communication Letter**

*President Smith called for a motion.*

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

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

## CONSENT AGENDA B – DEPARTMENT REPORTS

- |  |   |
|--|---|
| <b>B-1 Operations Department Report</b>  | <b>B-5 Information Services Report</b>        |
| <b>B-2 Maintenance Department Report</b> | <b>B-6 Personnel Services Report</b>          |
| <b>B-3 Finance Department Report</b>     | <b>B-7 Regulatory Support Services Report</b> |
| <b>B-4 Engineering Department Report</b> | <b>B-8 General Manager’s Report</b>           |

*President Smith expressed appreciation for the detailed reports each month and keeping the Board informed on District business. Director Cage made a motion.*

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

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

## CURRENT BUSINESS

- C-1 Discuss and Consider Reclassifying the Utility Billing Classification of 54 Alpine Circle, Mammoth Lakes, from a Multi-Family Residence to a Single-Family Residence**

*Following the Consent Agendas, President Smith noted the customer who had requested the Board consider reclassifying the property at 54 Alpine Circle was not in attendance. President Smith opted to move to the next business item to allow the customer more time to join the meeting. Following other business items, President Smith observed that the customer was still not in attendance and asked Finance Manager, Jeff Beatty to provide a summary of the item.*

*Jeff Beatty stated the reasons the customer felt their property should be reclassified as a single-family residence. He also stated the reasons supporting the District's current multi-family classification.*

*Josh Horowitz commented that state law defines duplexes and ADUs and as staff work to update the MCWD Code, these definitions should be more clearly defined.*

*Following a brief discussion, the Board determined the building's present configuration on the property was consistent with the definition of a duplex which MCWD Code defines as a multi-family for billing purposes. Director Cage made a motion.*

**BOARD ACTION – To deny the request to reclassify the utility billing classification of 54 Alpine Circle, Mammoth Lakes**

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

**C-2 Discuss and Consider Adopting the MCWD Personnel Policy Manual and Employer-Employee Relations Policy and Related Documents**

1. Adopt the MCWD Personnel Policy Manual and Employer-Employee Relations Policy; and
2. Enact Ordinance No. 07-20-23-16 Repealing Chapter 4 and Chapter 5 of the MCWD District Code; and
3. Adopt the Side Letter of Agreement Between MCWD and IUOE, Local 12 Modifying the 2021-2026 MOU

*Chris Weibert said that IUOE, Local 12 has not approved the side letter of agreement, therefore Item 3, the request to adopt the side letter, was being removed from tonight's requested action. Ms. Weibert then provided a brief summary of the two new policies and how they align with current law, recommended best practices, and the District's actual practice.*

*Michael Youril, the District's labor counsel, responded to questions of board members. There was a brief discussion regarding Section 17. Sick Leave Certification. The discussion resulted in the section being amended to clarify the language of how many consecutive workdays an employee may be absent before a physician's certification may be required.*

*President Smith expressed appreciation for the hard work by staff and legal counsel to bring these policies up to date.*

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

**BOARD ACTION – To adopt the MCWD Personnel Policy Manual and the Employer-Employee Relations Policy with the amended language in Section 17**

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

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**BOARD ACTION – To enact Ordinance No. 07-20-23-16 repealing Chapter 4 and Chapter 5 of the MCWD Code**

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

**C-3 Discuss and Consider Designating an Agent and Approving the FEMA and CalOES Reimbursement Authorization Forms for Winter Damage to MCWD’s Water Storage Tank T-8 and the Wastewater Treatment Plant EQ Basin Pump Building Roof**

*Garrett Higerd said the projects to replace the damaged water storage tank, T-8 and repair the WWTP EQ Basin Pump building roof are being expedited with the contractors by using the design-build contracting method in order to be completed before next winter.*

*Currently, the amount of insurance coverage is unknown, but public assistance program grant funds may be available to cover deductibles and possibly other shortfalls. It is possible that managing the grant funds will not be worth the staff's time. Although, to be eligible for the grants when the projects have been completed, the Reimbursement Authorization Forms need to be filed now.*

*Director Cage asked a couple of questions and said the Finance Committee discussed the item and acknowledged the urgency of getting the projects completed.*

*Following a brief discussion, Director Cage made a motion.*

**BOARD ACTION – To designate the General Manger as Agent and submit the FEMA and CalOES Reimbursement Authorization Forms for winter damage to facilities**

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

**C-4 Discuss and Consider Adopting Resolution No. 07-20-23-17 Setting a Public Hearing to Consider Dissolving the MCWD Sewer Improvement District No. 1**

*Mark Busby briefly described why the sewer improvement district was formed in 1991 and why it was no longer needed.*

*Jeff Beatty added that the funds that had been collected over the years would be moved into the Wastewater Capital Maintenance Fund.*

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

**BOARD ACTION – To adopt Resolution No. 07-20-23-17 setting a public hearing to consider dissolving the MCWD Sewer Improvement District No. 1**

MOVED BY: Director Cage  
SECONDED BY: Director Domaille

AYES: Directors Cage, Domaille, Hylton, Smith, and Thompson  
NAYS: None

### **C-5 Water Supply Update**

*Clay Murray reported the aquifer levels on some of the District's wells are still below average, even after the unprecedented snow year. He noted that demand this time of year exceeds available surface water supply and there is a need to supplement with groundwater. He added that rehabilitation being done to several wells is almost complete and will maximize production from these facilities, but not having water storage tank T-8 available is hindering the distribution system.*

*Mr. Murray commented that staff learned from 2017 (the last big snow year) that more than one normal to above average season is needed to fully replenish groundwater levels.*

*Mr. Murray said that Director Domaille suggested a press release be circulated to convey this information to the community. The press release is scheduled to go out in the next few days.*

*In conclusion, he said it would be prudent to remain at Conservation Level 1.*

*There was a brief discussion with the Board stating their consensus with staff's recommendation to remain at water conservation Level 1.*

**BOARD ACTION – None, informational only**

### **C-6 Presentation of the MCWD 2022/23 Annual Report on Key Projects, Programs, and System Improvements**

*Michael Draper presented the District's Annual Report on Key Projects, Programs, and System Improvements to the Board. He briefly discussed the highlights from the past fiscal year.*

*Mr. Draper said the report can be found on the District's website and through other social media outlets.*

*Board members extended their compliments to Mr. Draper for a great report and providing staff with a place to showcase the many accomplishments throughout the year.*

**BOARD ACTION – None, informational only**

### **C-7 Discuss and Consider Approving the Revised Policy Regarding District-owned Housing Rental Units**

*Jeff Beatty briefly described the recommended policy updates were to change the method for prioritizing the waitlist for District-owned rental housing units. He said that the needs of the District should be considered when offering an available unit to an employee on the waitlist.*

*Director Cage expressed concerns for lack of workforce housing in the region and the need to add to the District's housing rental inventory to ensure the District's staffing needs are not impacted by the inability to find housing. These comments led to reporting on the discussions at the Employee Housing Committee meetings.*

*Following the discussion, President Smith called for a motion.*

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

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

### **COMMITTEE MEETINGS HELD DURING THE MONTH**

Employee Housing Committee – *June 22, 2023 and July 12, 2023*

Tom Smith  
Gary Thompson

Ad-Hoc MC Property Tax Negotiating Committee – *July 3, 2023*

Tom Cage  
Gary Thompson (*absent*)

Technical Services Committee – *July 19, 2023*

Dennis Domaille  
Gary Thompson

Investment Committee – *July 19, 2023*

Tom Cage  
Elizabeth Hylton (*remote attendance Brown Act rules*)

Finance Committee – *July 19, 2023*

Tom Cage  
Elizabeth Hylton (*remote attendance Brown Act rules*)

#### **Employee Housing Committee:**

*Jeff Beatty reported that the discussion was about how to determine what the right number and size of housing rental units the District should build its inventory to.*

*President Smith said that direction was given to staff to complete the acquisition of the budgeted two additional rental units this fiscal year. Then adding another two to three units each subsequent year, with a maximum of 17 or so units.*

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#### **Ad-Hoc MC Property Tax Negotiating Committee:**

*Mark Busby reported that MCWD staff met with Mono County staff and the Mono County staff would take the District's proposal to the ad-hoc committee. They were hoping to have a response by August.*

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#### **Technical Services Committee:**

*Director Domaille reported the committee meeting was short and the only item to mention was that more wells may need to be drilled at Laurel Pond to allow for screen placements at a different depth.*

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#### **Investment Committee:**

*Director Cage reported the District's investments are starting to accumulate a little interest. He complimented the advisors for their diligence in maximizing the return rates on the District's investments.*

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Finance Committee:

Director Cage reported the Finance Committee meeting was uneventful and staff were updated on the past two months of activity.

Director Hylton added that the committee talked briefly about possible changes to the Procurement Policy, but those topics will be handled by the Code/Policy Ad-Hoc Committee.

**DIRECTOR COMMENTS, REQUESTS, AND REPORTS**

Director Domaille suggested that there appears to be excess effluent going to Laurel Pond and the District might consider alternatives for recycled water use.

Garrett Higerd responded to his comments by describing some of the steps involved with expanding recycled water use.

**ATTORNEY REPORT**

Attorney Horowitz updated the Board on the three bills he reported on in May: AB 460, AB 1337, and SB 389. He said the assembly bills died this year but could come back with some changes. The senate bill continued to the House with extensive amendments. He will continue to monitor and report back any developments.

**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 – 033-148-005-000 and 033-148-006-000

Under Negotiation: Price and Terms of Payment

MCWD Negotiators: Mark Busby and Garrett Higerd

Property Owner Negotiator: Greg Eckert

**REPORT OUT AND ADJOURNMENT**

There was no report from closed session and President Smith adjourned the meeting at 8:15 p.m.