

MINUTES

Thursday, March 18, 2021
Mammoth Community Water District
Regular Board Meeting

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 8:07 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, March 18, 2021 at 5:35 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 *

Matt Jaroslowski – MCWD Staff

**** 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.

Matt Jaroslowski addressed the Board and read a letter he had written regarding the Employee Housing Purchase Assistance Program. He noted that his letter was a follow up to the letter that had been included in the board packet with business item C-2 from the February 18 Board meeting. Director Cage responded with a couple of

comments about how the Board's primary concern in considering any changes to the program is to be equitable to all program participants and follow all laws.

No one else addressed the Board.

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

CONSENT AGENDA A

A-1 Approval of February 2021 Check Disbursements (Springbrook #'s 58818 – 58922)

A-2 Approval of Minutes from the Special Board Workshop held February 2, 2021

A-3 Approval of Minutes from the Regular Board Meeting held February 18, 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 Cage, Creasy, Domaille, Smith, and Thompson
NAYS: None

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 Cage requested that the Finance Department Report, B-3, be set aside so that he could ask some questions of staff. Following a brief discussion about issues in the finance report, including banking fees and wastewater rate study, Director Creasy made a motion to approve all of the staff reports except for B-3. After the Board voted to approve all staff reports except B-3, Director Creasy moved to approve the remaining staff report, B-3.

BOARD ACTION – To approve Consent Agenda B, Staff Reports: B-1, B-2, B-4, B-5, B-6, B-7, and B-8

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

BOARD ACTION – To approve Consent Agenda B, Staff Report: B-3

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

CURRENT BUSINESS

C-1 Discussion Possible Adoption of Resolution No. 03-18-21-04 Approving the Fiscal Year 2021-2022 Capital and Operating Budget

Jeff Beatty described the minor modifications that had been made to the proposed FY22 capital and operating budget following the draft presentation at the February 18 Board meeting.

The Board asked a few questions then Director Creasy made a motion.

BOARD ACTION – To adopt Resolution No. 03-18-21-04 approving the Fiscal Year 2021-2022 Capital and Operating Budget as presented

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

C-2 Discussion and Possible Adoption of Resolution No. 03-18-21-05 Establishing an Initial Appropriations Limitation for the Fiscal Year 2021-2022

Jeff Beatty said that establishing an appropriations limit is part of the annual budget process and is required by the state to determine the cap on the amount of property taxes the District can collect. He noted that there is no practical financial impact because the established limit far exceeds the amount that is actually collected. The true appropriations limit for the year will be calculated when the State of California closes its fiscal year in June.

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

BOARD ACTION – To adopt Resolution No. 03-18-21-05 establishing an initial Appropriations Limitation for the Fiscal Year 2021-2022

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

C-3 Discussion and Possible Adoption of Resolution No. 03-18-21-06 Establishing the Fiscal Year 2021-2022 MCWD Master Fee Schedule

Jeff Beatty said that the Master Fee Schedule (MFS) is updated annually and takes into account increases for inflation for connection fees, water and wastewater rates, as well as other fees for services that the District provides. He noted that there would typically be a change to the water and wastewater rates, but due to the rate study being incomplete, there are currently no changes to those rates. He also reminded the Board that in April 2020, they opted to forgo the annual increase to the connection fees; therefore the connection fees were now being returned to their normal annual increase schedule.

Director Cage asked a question about how the MFS would be impacted by the proposed rate changes that will be presented for adoption later in the year. Attorney Horowitz responded that the MFS can be amended at the same time as the water and wastewater rate revisions are presented to the Board.

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

BOARD ACTION – To adopt Resolution No. 03-18-21-06 Establishing the Fiscal Year 2021-2022 MCWD Master Fee Schedule

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

C-4 Discussion and Possible Adoption of Resolution No. 03-18-21-07 Approving the Fiscal Year 2022 Salary and Authorized Positions (SAPR)

Chris Weibert made note of the one minor change reflected in the FY22 SAPR since adoption of the previous year's amended Salary and Authorized Positions resolution.

Following a brief question asked by Director Cage, President Smith called for a motion.

BOARD ACTION – To adopt Resolution No. 03-18-21-07 approving the Fiscal Year 2021-2022 Salary and Authorized Positions

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

C-5 Discussion and Possible Adoption of the Rules and Proceedings of the MCWD Board of Directors Policy (PL-BOD-001)

Stephanie Hake briefly described the background of how and why this policy and the following three policies were being brought to the Board for consideration of adoption.

In response to a question by Director Cage, Attorney Horowitz said that state statute dictates that the Board president and vice president are to be elected each year, but that the holders of those positions do not need to change. He added that the District's current practice is acceptable.

Director Creasy noted a small typo in Rule No. 1; the word "shall" had been omitted and should be added. He then made a motion.

BOARD ACTION – To adopt the Rules and Proceedings of the MCWD Board of Directors Policy (PL-BOD-001) with the correction in Rule No. 1

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

C-6 Discussion and Possible Adoption of the MCWD Director Compensation and Expense Reimbursement Policy (PL-BOD-002)

Stephanie Hake explained that currently the procedure to make any changes to Director Compensation is cumbersome and requires the adoption of an ordinance to change the District's Code. Additionally, there isn't any District policy that defines reimbursement of expenses incurred by Directors while performing their official duties.

Following a brief comment by Director Cage about the timing of the annual budget process to the annual discussion regarding Director Compensation, Director Domaille made a motion.

BOARD ACTION – To adopt the MCWD Director Compensation and Expense Reimbursement Policy (PL-BOD-002)

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

C-7 Discussion and Possible Adoption of the MCWD Ethics Policy (PL-BOD-003)

Stephanie Hake briefly stated that the District's practice has been for all Directors to receive the minimum required 2-hours of ethics training every two years, although there is nothing in writing to support this.

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

BOARD ACTION – To adopt the MCWD Ethics Policy (PL-BOD-003)

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

C-8 Discussion and Possible Adoption of the MCWD Director Sexual Harassment Prevention Policy (PL-BOD-004)

Stephanie Hake noted that the District's practice is the same as with the ethics training; the required training takes place, but there is no policy to support the practice.

Following a brief discussion, Director Domaille made a motion.

BOARD ACTION – To adopt the MCWD Director Sexual Harassment Prevention Policy (PL-BOD-004)

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

C-9 Discussion and Direction to Staff to Submit a Letter of Support Regarding Assembly Bill 361 Amending the Brown Act to Allow for Remote Meetings During Declared Emergencies

Mark Busby briefly described the intent of the assembly bill.

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

BOARD ACTION – To direct staff to submit a Letter of Support regarding Assembly Bill 361 amending the Brown Act to allow for remote meetings during declared emergencies

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

Committee Meetings Held During the Month

Ad-Hoc Wastewater Rate Fee Study Committee – March 15, 2021

Tom Smith

Tom Cage

Technical Services Committee – March 17, 2021

Dennis Domaille

Gary Thompson

Finance Committee – March 17, 2021

Tom Smith (*alternate*)

Robert Creasy

Ad-Hoc Wastewater Rate Fee Study Committee:

Both Director Cage and President Smith said that the wastewater rate fee committee had come to an agreement with Raftelis on an updated methodology of calculating the wastewater rates. The proposed changes would likely be brought to the Board for possible adoption in the fall after the public notification process.

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Technical Services Committee:

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

- ✓ The emergency power project at the WWTP
- ✓ The ongoing problems with the Well 32 project
- ✓ The Laurel Pond Monitoring Well project
- ✓ The Center Street Monitoring Well project
- ✓ The drilling of BLM3
- ✓ The contract with Tesla for backup power
- ✓ The Neptune metering system

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Finance Committee:

Director Creasy said that there was nothing else to report aside from the finance related items discussed earlier in the evening.

DIRECTOR COMMENTS, REQUESTS, AND REPORTS

Director Creasy expressed appreciation to Stephanie Hake for the thorough work on the policy documents brought to the Board at this meeting.

Director Cage asked a couple of questions of Jerry Baker regarding upcoming maintenance projects.

ATTORNEY REPORT

Attorney Horowitz reported that the \$350 billion federal stimulus package that was recently passed had some relief funding designated for special districts, but just how much is unclear at this time. He suggested that staff reach out to federal and state legislators and/or possibly Mono County for distribution information. Additionally, there are a couple of bills currently in Congress that would provide relief directly to water and wastewater agencies; his law firm will continue to monitor the bills for any developments.

He also reported that due to the impending drought conditions (at least on the west side of the Sierras), the State Water Board will likely be imposing water conservation measures, as well as potential curtailments.

A brief recess was taken then the Board members went into closed session at 6:48 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

Anticipated litigation; Government Code sections 54954.5(c) and 54956.9(a) and (d)(2) and (3); consideration of initiating litigation involving one case

D-4 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

REPORT OUT AND ADJOURNMENT

The Board adjourned out of closed session at 8:07 p.m.

There was nothing to report from closed session.

President Smith adjourned the meeting at 8:07 p.m.