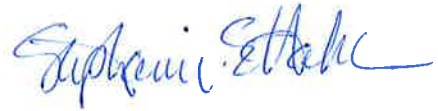


MINUTES

Thursday, January 17, 2019
Mammoth Community Water District
Regular Board Meeting

The Board of Directors convened in session at the hour of 5:34 p.m. A brief recess was taken and the meeting was adjourned at 8:52 p.m.

Prepared by:



Stephanie Hake
Executive Assistant

ATTEST:



Patrick A. Hayes
Board Secretary

THE REGULAR MEETING of the Board of Directors of the Mammoth Community Water District held on Thursday, January 17, 2019 at 5:34 p.m.

A. 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: Pat Hayes
District Engineer: John Pedersen
Operations Superintendent: Clay Murray
Maintenance Superintendent: Mark Busby
Finance Manager: Jeff Beatty
Information Services Manager: Justin Mulbay
Human Resources Manager: Kay Hartman
Executive Assistant: Stephanie Hake
District Counsel: Joshua Horowitz (*via phone*)

Guests Present

Steve Kappos (*Law Offices of Timothy B. Sanford*)
Greg Cook
Stacey Bardfield
Greg Newbry
Lori Salvador

Some items were taken out of order to facilitate the meeting

PLEDGE OF ALLEGIANCE

President Smith led the Pledge of Allegiance at 5:34 p.m.

PUBLIC FORUM

President Smith opened the public forum at 5:35 p.m.

No one addressed the Board.

President Smith closed the public forum at 5:36 p.m.

CONSENT AGENDA

C-1 Approval of December 2018 Check Disbursements (Springbrook #'s 55485 – 55642)

C-2 Approval of Minutes from the Regular Board Meeting held December 13, 2018

C-3 Approval of Task Order No. 8 with Wildermuth Environmental, Inc. for HydroDaVE Services Not to Exceed \$19,759

Director Cage noted that he was absent from the December 13 Board meeting; therefore he would abstain from approving item C-2. There was no further discussion and Director Creasy made a motion.

BOARD ACTION – To approve the Consent Agenda items C-1 and C-3

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

BOARD ACTION – To approve the Consent Agenda items C-2

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

D. CURRENT BUSINESS

D-1 Election of Board President, Vice President, and Assignment of Committee Members for 2019

There was no discussion. Director Creasy made a motion for President followed by Director Domaille making a motion for Vice President.

Following the votes, President Smith asked Attorney Horowitz if the committee assignments could be adjusted any time during the coming year. Attorney Horowitz responded that they could be changed at any time.

President Smith terminated the Liaison committee due to inactivity and stated that an ad hoc committee could be appointed if a need arises. All other committee assignments will remain the same for 2019.

BOARD ACTION – For Director Smith to remain as Board President

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

BOARD ACTION – For Director Cage to remain as Board Vice President

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

2019 Committee Assignments

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

D-2 Discussion and Possible Adoption of Resolution No. 01-17-19-01 Appointing a Member of the Board of Directors as Trustee to the Mammoth Community Water District’s Money Purchase Pension Plan for 2019 “The trustee shall be determined by the Board of Directors at the first Board of Directors’ meeting held in January of each calendar year.” (Chapter 2; Section 4.07 (3) District Code)

There was no discussion. Director Domaille made a motion.

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. 01-17-19-01

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

D-3 Discussion and Possible Adoption of Resolution No. 01-17-19-02 Declaring the Necessity for and Authorizing the Commencement of Eminent Domain Proceedings Concerning Well 32 Easements

The discussion was led by John Pedersen who outlined the steps taken by the MCWD since July 2017 to move forward with the drilling of Well 32.

At 5:44 p.m. President Smith called for public comments relating to the proposed Well 32 easements. For the next 20 minutes there were comments from interested parties, Greg Cook, Greg Newbry, Stacey Bardfield, and Steve Kappos.

Following the close of the Public Comment period at 6:03 p.m., Board members engaged in a lengthy discussion with further comments from members of the audience. In the end it was suggested that the vote for declaring the necessity for and authorizing the commencement of eminent domain be postponed for two weeks to allow

the ad hoc committee to hold another meeting with representatives from the affected homeowner associations to attempt to reach a mutually satisfactory resolution of the issues related to the District's need to construct Well 32. During the week of February 4, 2019, the Board will call a special meeting to further consider action on acquiring the necessary easements for Well 32.

BOARD ACTION – To postpone the vote for declaring the necessity and authorizing the commencement of eminent domain proceedings concerning Well 32 easements for two weeks

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

D-4 Quarterly Water Supply Update

Clay Murray briefly described that the water supply is adequate for the next few months. There was very little discussion.

BOARD ACTION – None

CONSENT AGENDA NO. 2 – MANAGEMENT REPORTS

- E-1 Operations Superintendent's Report**
- E-2 Maintenance Superintendent's Report**
- E-3 Finance Manager's Report**
- E-4 District Engineer's Report**
- E-5 Information Services Manager's Report**
- E-5 Information Services Manager's Report**
- E-6 Human Resources Manager's Report**
- E-7 Public Relations / Environmental Specialist's Report**
- E-8 General Manager's Report**

Mark Busby commented that due to the stormy weather today (January 17), Southern California Edison (SCE) had shut down the electrical power to the Lakes Basin which impacted the District's many sewer lift stations and the Lake Mary Water Treatment Plant.

Following a brief discussion Director Domaille made a motion.

BOARD ACTION – To approve the Consent Agenda items E-1 through E-8

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

Meetings Held During the Month

Technical Services Committee – *January 16, 2019*

Dennis Domaille

Gary Thompson

Finance Committee – *January 17, 2019*

Robert Creasy

Tom Cage (*absent*)

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Technical Services Committee:

Directors Domaille and Thompson both commented that there was nothing of significance to report from the Technical Services Committee meeting. All matters discussed were routine.

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Finance Committee:

Director Creasy reported that the Finance Committee discussions were primarily about the annual budgeting process and that the Districts investments have successfully been transferred to the new custodian. Jeff Beatty will be working with the advisor on the specific allocation of the assets.

Also discussed was that a large payment made to the USGS in November 2018 was discovered to have been incorrectly invoiced. As a result of the investigation, the MCWD has a large credit with the USGS which will be used up in the coming year.

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There were no other committee meetings held during the month.

ATTORNEY REPORT

Attorney Horowitz reported that the State Legislature is back in session and the potential water tax that had been discussed previously has been reintroduced by the Governor. A couple of bills have been introduced that could be a vehicle for the tax, but ACWA and other entities are mobilizing support to oppose the tax because of its questionable legality. Attorney Horowitz will provide updates as they become available.

The Board members went into closed session at 7:54 p.m.

CLOSED SESSION

H-1 Conference with Legal Counsel

Existing Litigation – Pursuant to Government Code Section 54956.9 (a) Case: Mammoth Community Water District vs. Great Basin Unified Air Pollution Control District with ORNI 50, LLC. as a Real Party in Interest – Mono County Superior Court

H-2 Conference with Legal Counsel

Anticipated Litigation – Pursuant to Government Code section 54956.9(a); consideration of initiation of litigation involving the Acquisition of Easements on Ranch Road, Woodcrest Trail and Adjacent Common Areas Adjacent to

the Site of Proposed District Well 32, Town of Mammoth Lakes from Snowcreek VI Condominium Owner's Association and The Ranch at Snowcreek Owners' Association

H-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

ADJOURNMENT

There was no report from closed session.

President Smith adjourned the meeting at 8:52 p.m.