

# MINUTES

Thursday, June 17, 2021  
Mammoth Community Water District  
Regular Board Meeting

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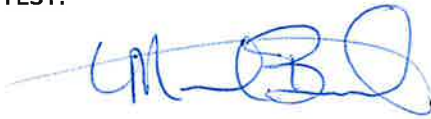
*The Board of Directors convened in session at the hour of 5:34 p.m. A brief recess was taken, and the meeting was adjourned at 7:41 p.m.*

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, June 17, 2021 at 5:34 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  
Principal Administrative Analyst: Chris Weibert  
Executive Assistant: Stephanie Hake  
District Counsel: Joshua Horowitz

#### Guests Present \*

Kristina Roberts – 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 5:34 p.m.*

*No one addressed the Board and President Smith closed the public forum at 5:34 p.m.*

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

**CONSENT AGENDA A**

**A-1 Approve May 2021 Check Disbursements (Springbrook #'s 59170 – 59233 & Incode10 #'s 1001 – 1061)**

**A-2 Approve Minutes from the Regular Board Meeting held May 20, 2021**

**A-3 Adopt Resolution No. 06-17-21-13 Setting a Public Hearing on the Report of Delinquent Water and Sewer Charges as of May 31, 2021**

*Director Cage said he would abstain from voting for item A-2 due being absent from the meeting. There was no further discussion and Director Creasy made a motion.*

**BOARD ACTION – To approve Consent Agenda A, items A-1 and A-3**

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

**BOARD ACTION – To approve Consent Agenda A, item A-2**

MOVED BY: Director Creasy  
SECONDED BY: Director Domaille  
AYES: Directors Creasy, Domaille, Smith, and Thompson  
NAYS: None  
ABSTAIN: 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 Cage made a motion.*

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

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

**CURRENT BUSINESS**

**C-1 Discuss and Consider a Request from Mammoth Lakes Housing for Relief of Connection Fees and Provide Direction to the General Manager for Responding to Request**

*President Smith said that staff at Mammoth Lakes Housing requested the discussion be postponed until the next regular board meeting. He directed staff to add the item to the agenda for the August 19 board meeting.*

**BOARD ACTION – None**

**C-2 Consider Offer Under First Right of Refusal for the Sale of Employee Home Purchased Under Employee Home Purchase Assistance Program and Provide Direction to General Manager for Responding to Offer  
Subject Property: 212 Pinecrest Ave., Mammoth Lakes**

*Following a brief discussion, Director Creasy made a motion to decline the offer to purchase the housing unit located at 212 Pinecrest. The General Manager was directed to notify Mr. Jaroslowski that the MCWD is not interested in purchasing the referenced housing unit.*

**BOARD ACTION – To decline the offer to purchase the housing unit at 212 Pinecrest, Mammoth Lakes, CA**

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

**C-3 Discuss and Consider Adopting the Side Letter of Agreement (SLA) Between Mammoth Community Water District (District) and International Union of Operating Engineers, Local Union No. 12 (L12), Modifying the 2021-2026 Memorandum of Understanding (MOU)**

- 1. Adding the Class Title and Salary Range for Administrative Analyst/Permits**
- 2. Deleting the Class Title and Salary Range for Permit Coordinator**

*Mark Busby recommended that this item be tabled until after closed session.*

*When the Board returned from closed session, President Smith said that the item had been discussed in closed session and he called for a motion.*

**BOARD ACTION – To adopt the side letter of agreement between Mammoth Community Water District and International Union of Operating Engineers, Local Union No. 12, modifying the 2021-2026 Memorandum of Understanding**

- 1. Adding the class title and salary range for Administrative Analyst/Permits**
- 2. Deleting the class title and salary range for Permit Coordinator**

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

**C-4 Discuss and Consider Adopting Resolution No. 06-17-21-14 – Second Amended FY22 Salary and Authorized Positions Resolution No. 04-15-21-09**

- 1. Amend Class Titles and Salary Ranges for Classifications**
- 2. Clarifying the Salary Ranges for Represented Classes Effective April 1, 2022, and April 1, 2023; and**
- 3. Clarifying the Salary Ranges for Non-Represented Classes Effective April 1, 2022, and April 1, 2023**

*Mark Busby recommended that this item be tabled until after closed session.*

*When the Board returned from closed session, President Smith said that the item had been discussed in closed session. He provided a brief summary and made a motion.*

**BOARD ACTION – To adopt Resolution No. 06-17-21-14; second amended FY22 Salary and Authorized Positions Resolution No. 04-15-21-09**

- 1. Amend class titles and salary ranges for classifications**
- 2. Clarifying the salary ranges for represented classes effective April 1, 2022, and April 1, 2023; and**
- 3. Clarifying the salary ranges for non-represented classes effective April 1, 2022, and April 1, 2023**

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

**C-5 Discuss and Possibly Direct the General Manager to Amend the Fiscal Year 2022 Budget to Allow for the Estimated Increase in Projected Cost for the Drilling of the Center Street Monitoring Well**

*Mark Busby briefly described that the estimated cost of the project has increased since the original bid due to the recent uptick in the cost of construction materials. Additionally, the USGS has updated the method of drilling and the estimated time to drill the well. Due to these factors, the projected overall cost for drilling the well has increased by \$135,000; therefore, a budget amendment is requested to cover the additional expenditures.*

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

**BOARD ACTION – To approve amending the Fiscal Year 2022 Budget by \$135,000 to pay the estimated increase in projected cost for the drilling the Center Street Monitoring Well**

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

**C-6 Consider and Possibly Ratify the Agreements Associated with the Center Street Monitoring Well Project**

- 1. Agreement with the Town of Mammoth Lakes**
- 2. Temporary License with Property Owner of Mono County APN: 035-090-008**

*Mark Busby recommended that this item be tabled until after closed session.*

*When the Board returned from closed session, the following was reported:*

*Item No. 1 – Direction was given to staff to finalize the agreement with the Town of Mammoth Lakes to allow for the drilling of the Center Street Monitoring Well.*

*Item No. 2 – The Board approved the temporary license with the property owner of Mono County APN: 035-090-008.*

**BOARD ACTION – None**

**C-7 Discuss and Possibly Adopt Resolution No. 06-17-21-15 Revising the Appropriations Limitation for the Fiscal Year 2021-2022**

*Jeff Beatty provided a brief description of how the appropriations limitation is calculated; noting there is no fiscal impact related to adopting the resolution.*

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

**BOARD ACTION – To adopt Resolution No. 06-17-21-15 revising the Appropriations Limitation for Fiscal Year 2021-2022**

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

**C-8 Consider and Possibly Approve an Amendment to General Manager Employment Agreement (to be considered after closed session)**

*Following closed session, President Smith said that the item had been discussed in closed session at the past two board meetings and included a performance evaluation.*

*He stated that the Board had wished to revisit the current General Manager employment agreement and to renegotiate the terms of the agreement.*

*He summarized by saying negotiations included an increase in compensation of \$11,000 to bring the annual salary to \$198,200; this to better align with the industry standard that became evident during recent negotiations with the union and associated salary survey. This increase would be retroactive to June 6, 2021.*

*Additionally, the term of the agreement would be extended two years to 2025. Language was included to allow the Board to do more frequent performance reviews with the primary review being conducted each year in October.*

**BOARD ACTION – To approve the amendments to the General Manager Employment Agreement**

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

### **Committee Meetings Held During the Month**

Mono County LAFCO – April 28, 2021 *(carried over from May 20, 2021 meeting)*

Tom Cage

Pension Committee – May 4, 2021 *(carried over from May 20, 2021 meeting)*

Tom Cage

Mono County LAFCO – June 2, 2021

Tom Cage

Technical Services Committee – June 16, 2021

Dennis Domaille

Gary Thompson

Finance Committee – June 16, 2021

Tom Cage

Robert Creasy

#### **Mono County LAFCO Meetings:**

*April 28, 2021 – Director Cage reported that discussions at the meeting were primarily about the proposed budget for the coming fiscal year. He also commented that Mono County staff are continuing to work on a solution of how to distribute the property taxes associated with the annexation of the Snowcreek VIII parcel in 2019.*

*June 2, 2021 – Director Cage said that the LAFCO commission approved the budget. Also discussed at the meeting was that the Mammoth Lakes Fire Department is trying to get Madera County to absorb the Red's Meadow region into its district. The meeting also included a presentation on the proposed development at Mammoth Mountain's Main Lodge area.*

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#### **Pension Committee:**

*Director Cage reported that the pension committee met, and the meeting was routine. He noted that the portfolio value reached a threshold which reduced the program fees by 10 basis points.*

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

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

- ✓ *The well drilling activities at Center Street, Well 32, and Laurel Pond*
- ✓ *The GMRP meeting*
- ✓ *The rehabilitation project at Tank T-1*
- ✓ *Updating of the Recycled water permit*

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#### **Finance Committee:**

*Director Cage said there wasn't much to report from the committee meeting due to it being very early in the fiscal year. He did note that staff in the Finance and Information Services departments should be commended for the very consuming project of implementing the new, company-wide Enterprise Resource Planning (ERP) software.*

## **DIRECTOR COMMENTS, REQUESTS, AND REPORTS**

*Director Creasy congratulated staff on recent retirements. He also offered congratulations to John Slover for obtaining his wastewater treatment certificate.*

### **ATTORNEY REPORT**

*Attorney Horowitz reported on recent updates at the state level regarding drought-related impacts on the west side of the Sierras and COVID-19 related guidelines.*

*He said that curtailment notices have been issued for every post-1914 water right holder on the west side and some are being issued for pre-1914 water right holders.*

*He said that with the recent lifting of the masking requirement for vaccinated individuals by both the Governor and Cal-OSHA, the District can move forward with implementing a more mask-free operation. He noted that the Governor's Executive Order from March 2020 that allowed for relaxed Brown Act rules has been extended until September 30. He added that if the Board would like to consider transitioning back in to in-person meetings or a hybrid of this scenario, he can work with staff to implement this.*

*Attorney Horowitz said that the moratorium on charging late fees and shutting off accounts for non-payment has also been extended through September 30, 2021. He noted that there are a couple of bills in the legislature that are still active; one would make the moratorium permanent the other would provide for some sort of life-line rates subsidized by the state. He will keep the District informed as this develops.*

*Lastly, he reported that the state legislature approved one billion dollars in relief for utility agencies that have uncollected debt related to COVID-19. There aren't any details at this time, but he will work with staff as more details are provided.*

### **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: Tom Smith and Tom Cage

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 7:29 p.m. at which time Stephanie Hake was brought back into the meeting and the Board opened the discussion of business items C-3, C-4, C-6, and C-8. The report outs from closed session are contained in the minutes of these items.*

*Following the discussion of item these items, Director Domaille made a motion to adjourn the meeting.*

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

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

*President Smith adjourned the meeting at 7:41 p.m.*