

MINUTES

Thursday, April 20, 2017
Mammoth Community Water District
Regular Board Meeting

The Board of Directors convened in session at the hour of 5:39 p.m. A brief recess was taken and the meeting was adjourned at 8:40 p.m.

Prepared by:



Stephanie Hake
Executive Assistant

ATTEST:



Patrick A. Hayes
General Manager

THE REGULAR MEETING of the Board of Directors of the Mammoth Community Water District held on Thursday, April 20, 2017 at 5:39 p.m.

A. ROLL CALL

Board Present

Director: Tom Cage
Director: Robert Creasy
Director: Dennis Domaille
Director: Eric Kaufman
Director: Tom Smith

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 telephone*)

Guests Present

Michael Youril (*via telephone for closed session only*)

B. PUBLIC FORUM

President Smith opened the public forum at 5:39 p.m.

No one addressed the Board.

President Smith closed the public forum at 5:39 p.m.

C. CONSENT AGENDA

C-1 Approval of March 2017 Check Disbursements (Springbrook #'s 52849 – 52961)

C-2 Approval of Minutes from the Regular Board Meeting Held March 16, 2017

There was no discussion. Director Cage made a motion.

BOARD ACTION – To approve the Consent Agenda items C-1 and C-2

MOVED BY: Director Cage

Minutes 04-20-2017 seh

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

D. CURRENT BUSINESS

D-1 Monthly Water Supply Update and Consideration of Changing the Water Conservation Level

Clay Murray described how staff arrived at the recommendation of Level 0 restrictions. Director Cage commented that the item was discussed at the Finance Committee meeting and the committee agrees with the staff recommendation. Director Kaufman noted that the Technical Services Committee discussed the item and they were comfortable with removing any restrictions.

President Smith called for a motion.

BOARD ACTION – To adjust the water conservation level to Level 0 or Permanent Restrictions, effective immediately

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

D-2 Discussion and Possible Adoption of Resolution No. 04-20-17-10 Adopting an Annual Statement of Investment Policy

Director Creasy commented that the Investment Committee discussed the proposed minor changes to the policy and that they were only related to terminology in the appendices.

Director Kaufman asked a couple of clarifying questions regarding the design, structure, and function of the Investment Committee.

Director Creasy made a motion.

BOARD ACTION – To adopt Resolution No. 04-20-17-10 Adopting an Annual Statement of Investment Policy

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

D-3 Discussion and Possible Approval of the Notice of Exemption (NOE) for the Timber Ridge Waterline Replacement

John Pedersen described that MCWD staff member, Irene Yamashita, produced the report to support the recommendation that the project is exempt from CEQA, noting that he could provide answers to any questions.

There was no discussion and Director Creasy made a motion.

BOARD ACTION – To approve the Notice of Exemption for the Timber Ridge Waterline Replacement Project

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

D-4 Discussion and Possible Approval of the Notice of Exemption (NOE) for the Installation of Valves in the Lake Mary Road Waterline

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

BOARD ACTION – To approve of the Notice of Exemption (NOE) for the Installation of Valves in the Lake Mary Road Waterline

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

D-5 Discussion and Possible Approval of Task Order No. 1 (under February 2017 MSA) with Wildermuth Environmental, Inc. (WEI) for Services Related to the Construction of Well No. 32

John Pedersen described the status of the proposed Well No. 32 project and that the task order had been amended to include a contingency of up to 10% for WEI's travel related expenses.

Following a brief discussion, Director Domaille made a motion.

BOARD ACTION – To approve Task Order No. 1 (under February 2017 MSA) with Wildermuth Environmental, Inc. for services related to the construction of Well No. 32 in an amount not to exceed \$132,570

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

D-6 Discussion and Possible Adoption of Resolution No. 04-20-17-11 in Support of the Association of California Water Agencies' (ACWA) Policy Statement on Bay-Delta Flow Requirements

Pat Hayes and Attorney Horowitz provided a brief overview of the policy statement being presented by ACWA.

Following a discussion, Director Domaille made a motion to adopt the proposed resolution supporting ACWA's policy statement. The motion was not seconded; therefore the motion was dropped.

BOARD ACTION – To adopt Resolution No. 04-20-17-11 in Support of the Association of California Water Agencies' (ACWA) Policy Statement on Bay-Delta Flow Requirements

MOVED BY: Director Domaille
SECONDED BY: None
AYES: None
NAYS: None
ABSENT: None

E. 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-6 Human Resources Manager's Report**
- E-7 Public Relations / Environmental Specialist's Report**
- E-8 General Manager's Report**

Director Kaufman made note of an upcoming meeting at the USFS mentioned in the E-7 report and that he might like to attend. The meeting is scheduled with staff from the MCWD, BLM, USFS, and Ormat regarding the Groundwater Monitoring and Response Plan (GMRP). Staff was directed to notice the upcoming GMRP meeting to allow for more than two Board members to attend.

Following a brief discussion regarding the lack of electrical power at some District facilities in the Lakes Basin, Director Creasy made a motion.

BOARD ACTION – To approve the Consent Agenda No. 2

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

F. BOARD MEMBERS' COMMITTEE REPORTS

Meetings Held During the Month

Long-Range Planning Committee – April 18, 2017

Dennis Domaille

Robert Creasy

Investment Committee – April 19, 2017

Tom Cage

Robert Creasy

Finance Committee – April 19, 2017

Tom Cage

Robert Creasy

Technical Services Committee – April 19, 2017

Dennis Domaille

Eric Kaufman

Directors Domaille and Creasy briefly reported on the following topics which were discussed at the Long-Range Planning Committee meeting:

- ✓ *Electrical power at MCWD facilities in the Lakes Basin*
- ✓ *Exploring options for reduction in energy consumption and cost*
- ✓ *The future of solids (sludge) handling*
- ✓ *Update of the Districts Emergency Preparedness plans*
- ✓ *Update on Mammoth Mountain water supply issues*
- ✓ *Status of the Needs Assessment for the Administration building*

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Director Cage and Director Creasy reported that the Investment Committee met and summarized the lengthy discussion that took place regarding how to balance the District's return on investments with its liquidity needs while remaining compliant with the Investment Policy. Direction was provided to Jeff Beatty to use the medium-term account at CalTrust for any anticipated near term investment options.

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Director Cage reported that the Finance Committee met and the discussions were focused on the water supply and impacts on revenue due to reduced conservation for the upcoming irrigation season.

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Director Domaille noted that the Technical Services Committee met all subjects had already been addressed earlier in this evening's meeting.

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There were no other committee meetings held during the month.

G. ATTORNEY REPORT

Attorney Horowitz reported on upcoming Assembly Bill 851 that would authorize local agencies to have greater flexibility with using the design/build concept to construct public works projects.

Attorney Horowitz also reported that following the Executive Order issued by the Governor in early April lifting the drought emergency, a framework report was released that would lead to legislation for the imposition of state-wide, long-term conservation regulations using a "one-size-fits-all" set of requirements. Two opposing

bills developed by Senator Rubio propose to leave water conservation authority and decisions with the local agencies; allowing them to design individual conservation programs based on local needs and local conditions.

The Board members went into closed session at 6:53 p.m.

H. CLOSED SESSION

H-1 Conference with Legal Counsel

Existing Litigation – Pursuant to Government Code Section 54956.9 (a) Case: Mammoth Community Water District vs. United States Department of Interior, Bureau of Land Management; Mammoth Community Water District v. United States Department of Agriculture, Forest Service

H-2 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-3 Conference with Legal Counsel

Existing Litigation – Pursuant to Government Code Sections 54954.5 (c) and 54956.9 (a) and (d)(1); Case: Mammoth Community Water District vs. Ronald L. Yates, Jr.– Mono County Superior Court Case No. CV 150088

H-4 Public Employee Discipline/Dismissal/Release

Pursuant to Government Code Section 54957 (b)

H-5 Conference with Labor Negotiator

Pursuant to Government Code Section 54957.6

District Employee Relations Officer: Patrick Hayes

Employee Organizations: International Union of Operating Engineers, Local Union No. 12, Unrepresented Employees; Management, Supervisory and Confidential

The Board returned to open session at 8:39 p.m.

It was reported by the Board from closed session that the grievance filed by a District employee was investigated and the investigation resulted in no findings of a legal issue. The Board directed the Board President and management to close the grievance and investigation, and to provide the appropriate notices to the affected employees.

I. ADJOURNMENT

President Smith adjourned the meeting at 8:40 p.m.