

MINUTES

Thursday, June 22, 2017
Mammoth Community Water District
Special Board Meeting

The Board of Directors convened in session at the hour of 5:36 p.m. A brief recess was taken and the meeting was adjourned at 8:35 p.m.

Prepared by:



Stephanie Hake
Executive Assistant

ATTEST:



Patrick A. Hayes
General Manager

THE SPECIAL MEETING of the Board of Directors of the Mammoth Community Water District held on Thursday, June 22, 2017 at 5:36 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
Public Relations / Environmental Specialist Manager: Irene Yamashita
Information Services Manager: Justin Mulbay
Human Resources Manager: Kay Hartman
Executive Assistant: Stephanie Hake
District Counsel: Joshua Horowitz

Guests Present

Chuck Lande – Snowcreek Investment Co. II

Some items were taken out of order to facilitate the meeting

B. PUBLIC FORUM

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

No one addressed the Board.

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

C. CONSENT AGENDA

- C-1 Approval of April 2017 Check Disbursements (Springbrook #'s 52962 – 53060)**
- C-2 Approval of May 2017 Check Disbursements (Springbrook #'s 53061 – 53193)**
- C-3 Approval of Minutes from the Regular Board Meeting Held April 20, 2017**
- C-4 Approval of Minutes from the Special Board Meeting Held April 26, 2017**

There was no discussion. Director Creasy made a motion.

BOARD ACTION – To approve the Consent Agenda items C-1, C-2, C-3, and C-4

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

D. CURRENT BUSINESS

D-1 Subject 1. Approve the Successor Memorandum of Understanding (MOU) Between the Mammoth Community Water District (MCWD) and International Union of Operating Engineers, Local Union No. 12 - General Employees Unit (L12)

Subject 2. Adopt Resolution 06-22-17-11 – Approving First Amendment to FY18 Salary and Authorized Positions Previously Adopted in Resolution No. 03-16-17-09: 1) Amending Salary Ranges for all Represented Classes; and 2) Amending Other Forms of Compensation and Insurance Language for Non-Represented Classes

Kay Hartman and Pat Hayes provided brief comments describing the steps that resulted in the executed MOU and clarifying the language as it relates to the differences between Represented and Non-Represented employee classes.

Director Domaille made a motion.

BOARD ACTION – Subject 1 – Approve the successor Memorandum of Understanding (MOU) between the Mammoth Community Water District (MCWD) and International Union of Operating Engineers, Local Union No. 12 - General Employees Unit (L12)

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

BOARD ACTION – Subject 2 – Adopt Resolution 06-22-17-11 – approving first amendment to FY18 Salary and Authorized Positions previously adopted in Resolution No. 03-16-17-09: 1) Amending salary ranges for all represented classes; and 2) Amending other forms of compensation and insurance language for non-represented classes

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

D-2 Discussion and Possible Adoption of Resolution No. 06-22-17-12 Revising the Appropriations Limitation for the Fiscal Year 2017-2018

There was no discussion.

Director Creasy made a motion.

BOARD ACTION – To adopt Resolution No. 06-22-17-12 revising the Appropriations Limitation for the Fiscal Year 2017-2018

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

D-3 Presentation on Funding of a Second Deep Geothermal Monitoring Well and Potential Impacts of that Decision on District Capital Budget and Reserves

Jeff Beatty described that this item was being presented for informational purposes only as the expenditures had been approved in the FY18 budget.

Director Cage confirmed that the item had been discussed at the Finance Committee Meeting.

A brief discussion followed regarding the location of the proposed well site and its proximity to the geothermal reservoir.

BOARD ACTION – None

D-4 Discussion and Possible Adoption of Resolution 06-22-17-13 Making Application to the Local Agency Formation Commission of Mono County to Take Proceedings for the Annexation of Two Parcels Into the Mammoth Community Water District

John Pedersen provided a brief background of the agreement between the MCWD and Snowcreek Investment Co. II for the proposed annexation of two parcels of land associated with Snowcreek VIII development currently outside of the District's service area.

Director Creasy noted a discussion at the Finance Committee meeting took place regarding the fiscal impact to the District of having staff performing the work on behalf of the petitioner, Snowcreek Investment Co. Mr. Pedersen indicated that a retainer had been provided to the District to cover incurred costs.

Director Cage, currently an alternate LAFCO commissioner, questioned Attorney Horowitz regarding the potential need to recuse himself when the item is brought before the LAFCO Board. Attorney Horowitz concluded that he would research the subject and provide a response.

If the resolution is adopted, staff would prepare an application to LAFCO to initiate the process. Additionally, a property tax exchange agreement would be presented to the entities that are currently collecting the property

tax. The agreement would propose a revised split in the distribution of taxes collected based on the District taking on the obligation of providing water and sewer service to the additional development.

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

BOARD ACTION – To adopt Resolution 06-22-17-13 making application to the Local Agency Formation Commission of Mono County (LAFCO) to take proceedings for the annexation of two parcels into the Mammoth Community Water District

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

D-5 Discussion and Nomination of a Mono County Local Agency Formation Commission (LAFCO) Commissioner

There was no discussion. Director Domaille made a motion.

BOARD ACTION – To nominate Director Tom Cage as a candidate for the position of a Mono County Local Agency Formation Commission (LAFCO) Commissioner

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. 06-22-17-14 Placing in Nomination Patrick Hayes as a Board Member of the Association of California Water Agencies (ACWA) Region 3 Board for the 2018-2019 Term

Pat Hayes commented that he has been representing the MCWD as an ACWA Region 3 Board member for the past 2 years and looks forward to continuing in this capacity.

There was no discussion.

BOARD ACTION – To adopt Resolution No. 06-22-17-14 placing in nomination Patrick Hayes as a Board Member of the Association of California Water Agencies (ACWA) Region 3 Board for the 2018-2019 term

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

E. CONSENT AGENDA NO. 2 – MANAGEMENT REPORTS - MAY

- 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**

Clay Murray briefly described the unprecedented high runoff the entire Mammoth basin is currently experiencing and the positive impact this is having on the District’s groundwater wells.

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. CONSENT AGENDA NO. 3 – MANAGEMENT REPORTS - JUNE

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

President Smith called for a motion.

BOARD ACTION – To approve the Consent Agenda No. 3

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

G. BOARD MEMBERS' COMMITTEE REPORTS

Meetings Held During the Past Two (2) Months

Finance Committee – May 17, 2017 & June 21, 2017

Tom Cage
Robert Creasy

Technical Services Committee – May 17, 2017

Dennis Domaille
Eric Kaufman

Technical Services Committee – June 21, 2017

Eric Kaufman
Robert Creasy

Director Cage reported that the Finance Committee met in May and June and the discussions were primarily about water availability; the balances of reserve funds; and the annual on-site visit by the auditors. Also discussed was that District facilities sustained damages over the winter somewhere between \$50,000 and \$100,000 and that many of the repairs were being completed by the talented in-house staff.

Director Creasy added that during the on-site audit field work, it was brought to his attention that the auditors received several comments from employees regarding low morale among staff and that can raise the District's risk assessment.

President Smith requested that Pat Hayes consider the concerns that have been raised through the audit process and bring to the Board a scope and strategy to address the complaint.

Director Kaufman reported that the high points of the Technical Services Committee meeting were an update on the Lakes Basin and the progress that is being made to prevent future power outages from SCE; the aquifer storage and recovery plan; the status of the new BLM 2 well; and the completion of the repairs to the photovoltaic plant

There were no other committee meetings held during the month.

H. ATTORNEY REPORT

Attorney Horowitz reported that the State legislature is processing many bills before their July recess; noting several long-term water conservation bills being proposed that could give broad authority to the State Water Board for setting conservation targets. There are many lobbying efforts to balance the interests of the water communities with the needs of the environmental community to arrive at an equitable solution.

The Board members went into closed session at 7:06 p.m.

I. CLOSED SESSION

I-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

I-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

I-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

I-4 Conference with Legal Counsel

Anticipated Litigation – Significant Exposure to Litigation Pursuant to Government Code Section 54956.9 (a) Cases: 1

The Board returned to open session at 8:35 p.m. and there was no report out.

J. ADJOURNMENT

President Smith adjourned the meeting at 8:35 p.m.