

# MINUTES

Thursday, June 20, 2019  
Mammoth Community Water District  
Regular Board Meeting

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*The Board of Directors convened in session at the hour of 5:38 p.m. A brief recess was taken and the meeting was adjourned at 9:28 p.m. to be continued on June 25, 2019 at 10:00 a.m.*

Prepared by:



Stephanie Hake  
Executive Assistant

ATTEST:



Mark Busby  
Board Secretary (Interim)

**THE REGULAR MEETING** of the Board of Directors of the Mammoth Community Water District held on Thursday, June 20, 2019 at 5:38 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: Pat Hayes  
Maintenance Superintendent: Mark Busby  
Finance Manager: Jeff Beatty  
Information Services Manager: Justin Mulbay  
Executive Assistant: Stephanie Hake  
District Counsel: Joshua Horowitz

#### **Guests Present**

Karen Bedow: MCWD Staff  
Betty Hylton: MCWD Staff  
Irene Yamashita: MCWD Staff

### **PLEDGE OF ALLEGIANCE**

*President Smith led the Pledge of Allegiance at 5:39 p.m.*

### **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.*

### **CONSENT AGENDA A**

**A-1 Approval of April 2019 Check Disbursements (Springbrook #'s 55983, 55985 – 56085)**

**A-1 Approval of May 2019 Check Disbursements (Springbrook #'s 56086 – 56234)**

**A-2 Approval of Minutes from the Special Board Meeting held June 6, 2019**

**A-4 Approval of Task Order No. 9 for Hydro-Geologic Consulting Services Relating to the Casa Diablo IV (CD-4) Geothermal Project under the Master Services Agreement with Wildermuth Environmental, Inc. (WEI) Not to Exceed \$40,000**

**A-5 Adoption of Resolution No. 06-20-19-10 Revising the Appropriations Limitation for the Fiscal Year 2019-2020**

**A-6 Adoption of Resolution No. 06-20-19-11 Placing in Nomination Patrick A. Hayes as a Member of the Association of California Water Agencies Region 3 Board Member**

*There was no discussion, and Director Creasy made a motion to approve Consent Agenda A.*

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

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

**CONSENT AGENDA B – STAFF REPORTS - MAY and JUNE**

**B-1 May - Operations Department Report**

**B-1 June - Operations Department Report**

**B-2 May - Maintenance Department Report**

**B-2 June - Maintenance Department Report**

**B-3 May - Finance Department Report**

**B-3 June - Finance Department Report**

**B-4 May - Engineering Department Report**

**B-4 June - Engineering Department Report**

**B-5 May - Information Services Report**

**B-5 June - Information Services Report**

**B-6 May - Personnel Services Report**

**B-6 June - Personnel Services Report**

**B-7 May - Regulatory Support Services Report**

**B-7 June - Regulatory Support Services Report**

**B-8 May - General Manager's Report**

**B-8 June - General Manager's Report**

*There was no discussion, and Director Creasy made a motion to approve Consent Agenda B.*

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

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

## CURRENT BUSINESS

### **C-1 Discussion and Possible Adoption of Resolution No. 06-20-19-12 Authorizing the General Manager or His or Her Designee to Sign for Grants of Easements and Rights-of-Way**

*John Pedersen described to the Board that the District periodically is required to accept grants of easements and rights-of way associated with construction projects within the District's service boundary, but the District's procedure for acquiring and recording such property interests is in need of streamlining. In particular, it would be helpful if the District's General Manager and Engineer have the authority to accept new easements under a general delegation of authority to avoid Board approval for routine easement and right-of-way acquisitions.*

*The Board had a brief discussion with staff about the process of accepting grants of easements and rights-of-way. Director Cage recommended approval subject to the following change to the staff recommendation: when the District is required to purchase the necessary easement or right-of-way, the item should come to the Board for approval. This change would require removing the language in the proposed resolution that would allow the General Manager or his or her designee to authorize the expenditure up to \$100,000, if budgeted.*

**BOARD ACTION – To adopt Resolution No. 06-20-19-12 authorizing the General Manager or his or her designee to sign for Grants of Easements and Rights-of-Way with the amended language deleting the clause referencing the purchase of any Easement or Right-of-Way**

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

### **C-2 Discussion and Possible Approval of Amendments to the Board's Employee Home Purchase Assistance Program Policy**

*Director Cage provided the Board with a brief narrative of the evolution of the program. He described that the initial program was designed as shared equity between the employee and the District. Several years ago the program was revisited and changed to a subordinate loan scenario; this, to encourage and support the employee being able to eventually own their home outright. Following interviews with both current participants and potential future participants, the committee is now proposing a hybrid of the two programs with some modifications, which would allow the employee to choose the option that best suits his or her needs.*

*A discussion followed that included questions and comments from the guests present. In the end the Board requested that language be added to the proposed policy stating the employee shall remain current in all financial obligations of ownership of the housing unit i.e. all insurance premiums, HOA fees, and interest on the District subordinated loan and that proof of insurance is provided annually. When the requested amendments are complete, the policy simply needs to have approval from the ad hoc committee.*

*Additionally, the Board directed staff and legal counsel to update the agreements for each program to align with the changes to the policy and bring them back at the July 18, 2019 Board meeting for review and possible approval.*

**BOARD ACTION – To approve the policy as presented with amendments to require that employees: (1) provide proof of insurance annually to the District, and (2) employees must stay current in all financial obligations, including insurance premiums, HOA fees, and loan principal and interest**

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

**C-3 Discussion and Possible Approval of Amendment to the Employee Down Payment Assistance Agreement between Betty Hylton and MCWD to Facilitate Refinancing of Primary Loan**

*Jeff Beatty provided the Board with a brief summary of the request to refinance by Ms. Hylton.*

*Director Creasy commented that the item was discussed at the Finance Committee meeting and was suggested that Ms. Hylton defer her request to refinance until the sale of the housing unit had been implemented.*

*Ms. Hylton agreed with this approach; therefore no action was taken.*

**BOARD ACTION – None**

**Meetings Held During the Month**

Ad Hoc Committee – Connection Fee Study – April 23, 2019, May 28, 2019

Tom Smith  
Tom Cage

Ad Hoc Committee – Employee Home Buyer Assistance Policy – April 25, 2019, May 23, 2019

Tom Cage  
Robert Creasy

LAFCO – May 15, 2019

Tom Cage

Technical Services Committee – June 19, 2019

Dennis Domaille  
Gary Thompson

Finance Committee – June 19, 2019

Robert Creasy  
Tom Cage

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**Ad Hoc Committee – Connection Fee Study:**

*President Smith reported that the committee had met a couple of times to work on the details of the proposed revisions to the connection fees. He noted that the final report would likely be ready for presentation at the July 18 Board meeting.*

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**Ad Hoc Committee – Home Buyer Assistance Policy:**

*Director Cage suggested that a follow up committee be appointed to work with staff on future issues pertaining to the rental condos owned by the District and any developments with the Home Purchase Assistance Program.*

*President Smith appointed a standing committee of Directors Creasy and Thompson to work with staff on employee housing matters, both related to the Home Purchase Assistance Program and the rental condos owned by the District. It was suggested that the Employee Housing Committee meet at least annually.*

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LAFCO:

*Director Cage reported that the Mono County LAFCO had a meeting to ratify the budget with a District contribution of \$1,650, and that the next meeting will be held on June 26, 2019.*

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Technical Services Committee:

*Director Thompson commented that Justin Mulbay provided the committee with a great audio-visual presentation on the updated MCWD website and the District's GIS portal.*

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Finance Committee:

*Director Creasy reported that the Finance Committee mostly discussed the subject of employee housing. He also noted that water revenue was down for the month of May due to the entire month being colder than normal and irrigation not starting.*

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*There were no other committee meetings held during the month.*

**ATTORNEY REPORT**

*Attorney Horowitz reported that the proposed water tax was rejected by both houses of the Legislature and that an alternative funding sources had been found. There was nothing else to report.*

*Two members of the audience requested and made comments to the Board before the start of closed session.*

*The Board members went into closed session at 7:05p.m.*

**CLOSED SESSION**

**D-1 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

**D-2 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

**D-3 Public Employee Discipline/Dismissal/Release**

Pursuant to Government Code Section 54957(b)

**D-4 Public Employee Performance Evaluation – General Manager**  
Pursuant to Government Code Section 54954.5(e) and 54957

**ADJOURNMENT**

*The meeting adjourned out of closed session at 9:27p.m. There was no reportable action from closed session.*

*President Smith then ordered the meeting to be continued and adjourned to 10:00a.m. on Tuesday, June 25, 2019 in the boardroom for purposes of continuing discussion under closed session items D-3 and D-4.*

*The meeting was closed at 9:28 p.m.*

*Note: Due to equipment malfunction, there is no audio recording of this meeting.*