

MINUTES

Thursday, November 19, 2020
Mammoth Community Water District
Regular Board Meeting

The Board of Directors convened in session at the hour of 5:33 p.m. No recess was taken and the meeting was adjourned at 8:28 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, November 19, 2020 at 5:33 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
Information Services Manager: Justin Mulbay
Finance Manager: Jeff Beatty
Senior Administrative Analyst: Betty Hylton
Principal Administrative Analyst: Chris Weibert
Executive Assistant: Stephanie Hake
District Counsel: Joshua Horowitz

Guests Present *

Chris Thompson, Mono County Search and Rescue
Nate Greenberg, Mono County
Pam Bold, High Sierra Energy Foundation

**** 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 Approval of October 2020 Check Disbursements (Springbrook #'s 58314 – 58460)

A-2 Approval of Minutes from the Special Board Meeting held October 28, 2020

There was no discussion and Director Creasy made a motion.

BOARD ACTION – To approve Consent Agenda A

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

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 Domaille made a motion.

BOARD ACTION – To approve Consent Agenda B

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

CURRENT BUSINESS

C-1 Discussion and Possible Approval of a Sub-Lease Agreement with the Mono County Search and Rescue (SAR)

Mark Busby commented that this item was being brought back to the Board for discussion and possible approval following SAR's brief presentation during Public Comment at the October 28, 2020 Special Board

meeting. He noted that staff had reviewed the proposal and determined that there would not be any impact to MCWD's operation by allowing the installation of the equipment.

Attorney Horowitz verified that he had reviewed the agreement and it was acceptable.

Following a brief discussion, Director Creasy made a motion to approve the request and Director Domaille seconded the motion. After which Director Creasy modified his motion to authorize Mark Busby, the General Manager, to sign the agreement on behalf of the District.

BOARD ACTION – To approve the request for Mono County SAR to enter in to a sub-lease agreement with Mono County for installation of a communications radio dish and authorize the General Manager to sign a consent to the agreement

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

C-2 Discussion and Possible Approval of Sponsorship Funding Living Wise Foundation in the Amount of \$4,054.20

Director Creasy declared a conflict of interest because he is on the Board of Directors of the High Sierra Energy Foundation; therefore he recused himself from the discussion. Stephanie Hake, the host of the Zoom meeting, moved Director Creasy to the virtual "Waiting Room" where he could not hear or participate in the discussion.

Pam Bold of the High Sierra Energy Foundation addressed the Board and said that since the program began 14 years ago it has been well received; especially the tours of MCWD facilities. The program is designed for the Mammoth Middle School 6th grade students and typically is conducted in the spring of each year. Due to the COVID-19 pandemic, the program was put on hold this past spring. She said that the kits have been ordered and the 7th graders (last year's 6th graders) would do a modified version of the program in the next month or so with the hope of getting back on track with the 6th grade class this coming spring.

A brief discussion followed regarding whether MCWD's sponsorship was within the District's purview, the relevancy of the program to the MCWD, and the District's obligation for meeting certain conservation and educational criteria per the State Water Code.

Due to COVID-19 and the uncertainty of in-person schooling over the next several months, this item was tabled and the Board asked Ms. Bold to bring back her request in either January or February 2021.

BOARD ACTION – None

C-3 Update on the District's Annual "Years of Service" Honorees

◆ Mark Busby	25 Years	◆ Heidi Christensen	15 Years
◆ Glenn VanOrsdol	25 Years	◆ Stephanie Hake	15 Years
◆ Jerry Baker	25 Years	◆ Justin Mulbay	15 Years
◆ David Sperry	5 Years	◆ Jeff Beatty	5 Years

President Smith thanked all honorees for their contribution to the success of MCWD.

Mark Busby thanked Directors Creasy and Cage for acting as the Masters of Ceremony for the recent Recognition meeting held for all staff via Zoom.

BOARD ACTION – None, informational only

C-4 Acknowledgment of Appointment of Tom Smith, Tom Cage, and Gary Thompson to the Mammoth Community Water District Board of Directors by the Mono County Board of Supervisors

Stephanie Hake said she had received communication from Mono County that the three incumbents had been appointed in-lieu-of-election by the Mono County Board of Supervisors earlier in November and the Oaths of Office could be administered any time after the first Friday in December. There was a brief discussion of the process to administer oaths.

Vice President Creasy congratulated the three members on their appointment.

BOARD ACTION – None, informational only

C-5 Discussion and Direction to Staff Regarding Changing the Date and Time of the December 2020 Regular Board Meeting

Mark Busby said that the only anticipated business item for the December Board meeting agenda is a discussion regarding a possible adjustment in compensation paid to Directors for the coming calendar year.

Following a brief discussion it was determined that a discussion regarding a change to director compensation is not enough reason to have a meeting and that no increase in compensation is appropriate in light of present circumstances. Direction was given to staff to cancel the December Regular Board meeting.

BOARD ACTION – None, direction only

C-6 Consideration and Possible Approval of Adjustments in Compensation and Benefits provided to the General Manager (to be considered after closed session)

The Board returned from closed session at 8:25 p.m. President Smith stated that Mark Busby had achieved the goals that had been set for him in November 2019 and that the Board was considering a 4% increase to Mr. Busby's base wage.

Director Creasy made a motion to give Mr. Busby a wage increase of 4% and a one-time \$10,000 merit award. Director Thompson seconded the motion, after which Director Creasy amended his motion to make the wage increase retroactive to the contract renewal date of October 1, 2020.

BOARD ACTION – To adjust the compensation paid to Mark Busby, the General Manager, distributed as follows: 4% wage increase to his annual salary, retroactive to the scheduled review date of October 1, 2020; and a \$10,000K one-time merit award

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

Committee Meetings Held During the Month

Pension Committee – November 4, 2020

Tom Cage

Wastewater Rate/Fee Study Ad Hoc Committee – November 10, 2020

Tom Smith

Tom Cage

Technical Services Committee – November 18, 2020

Dennis Domaille

Gary Thompson

Employee Housing Committee – November 18, 2020

Robert Creasy

Gary Thompson

Finance Committee – November 17, 2020

Tom Cage

Robert Creasy

Long-Range Planning Committee – November 18, 2020

Dennis Domaille

Tom Cage

Pension Committee:

Director Cage reported that the committee met and Darin Kaylor provided a thorough update on the status of the District's pension plan. He reported that the participation rate appears to be good, but that getting younger staff members to contribute more is always challenging.

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Wastewater Rate Study Ad-Hoc Committee:

Director Cage reported that the committee met and is continuing to work on finding a balance that is fair and equitable to all user groups. President Smith added that the committee recognizes the complexity of the rate structures and is taking the time to "get it right".

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Technical Services Committee:

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

- ✓ *New Screw press installation and sludge hauling project*
- ✓ *Status on the drilling of Well 32*

- ✓ *Securing the site for the Center Street monitoring well*
- ✓ *Obtaining a permit for the drilling of the Laurel Pond monitoring wells*
- ✓ *Possible proposal from Tesla for a backup battery program*
- ✓ *Discussion of a MCWD communication tower*

He complimented Jerry Baker and the Maintenance team. Saying staff were creative with bringing in a rental crane and coordinating several projects to be completed while the crane was on site; resulting in a big savings to the District.

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Employee Housing Committee:

Director Creasy reported that the committee discussed the District's Housing Rental program, the Shared Value Loan, and the Subordinated Loan Home Purchase programs. They reviewed the contracts for each program and have some minor suggested changes to each. Attorney Horowitz will revise the contracts and return a "track changes" version of each for the committee's review and ultimately discussion and approval by the Board.

Of note the changes would include changing the language in the rental contract to state that the tenant will be required to have renter's insurance instead of simply encouraging it.

Also, it will be a recommendation to have home buyers maintenance and repair insurance with either the Shared Value Loan or the Subordinated Loan programs.

Director Creasy also noted that there was an extensive discussion regarding improvements that an employee makes to a home under one of the District loan programs and how the monetary distribution is calculated between the staff member and the District. Staff will continue to work on options to simplify the definition and parameters of the calculation.

Mark Busby added another proposed policy change is that if a staff member is wanting to refinance their loan with their primary lender and the District's financial position isn't going to change, then Board approval will no longer be required.

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Finance Committee:

Director Cage said that the committee met and it was reported that overall revenue is over budget and expenses are under budget. All other discussion was routine.

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Long-Range Planning Committee:

Director Domaille reported that the committee met and he provided a brief update to the Board on the following discussion items:

- ✓ *The Urban Water Management Plan requirement of projecting the sustainability of the District's water supply over a 5-year period*
- ✓ *The acquisition of future well sites*
- ✓ *The status of renewing the Lahontan Regional Board's Waste Discharge Requirements*
- ✓ *Working to resolve the reallocation of property taxes following the annexation of the Snowcreek property*
- ✓ *The possible need for MMSA to find an alternative method for handling of wastewater at their facilities*

Director Cage added that the committee discussed the proposal for a possible Tesla Battery project. He also recommended that the District's upcoming wastewater and water rate studies and the strategic plan include consideration of planning for potential Out-of-District customers and associated future big projects.

DIRECTOR COMMENTS, REQUESTS, AND REPORTS

There were no comments, requests, or reports.

ATTORNEY REPORT

Attorney Horowitz said there was nothing to report.

The Board members went into closed session at 6:55 p.m.

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 Public Employee Performance Evaluation – General Manager

Pursuant to Government Code sections 54954.5(e) and 54957

D-4 Conference with District Labor Negotiators

Pursuant to Government Code sections 54954.5(f) and 54957.6

District Negotiators: Tom Smith and Robert Creasy

Direction concerning proposed terms of General Manager Employment agreement, including compensation and benefits

ADJOURNMENT

The Board adjourned out of closed session at 8:22 p.m. at which time Stephanie Hake was brought back into the meeting and the Board opened up the discussion of business item C-6.

Following the discussion of item C-6, 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
ABSENT: None

President Smith adjourned the meeting at 8:28 p.m.