



MAMMOTH COMMUNITY WATER DISTRICT
Post Office Box 597
Mammoth Lakes, California 93546-0597

NOTICE OF SPECIAL MEETING

NOTICE IS HEREBY GIVEN that the President of the Board of Directors of the Mammoth Community Water District has called a **SPECIAL MEETING** to be held **THURSDAY, DECEMBER 15, 2022** at **9:30 A.M.**

Please Note:

Subject to Board approval of Consent Item A-1 on this agenda, this meeting will be conducted pursuant to the provisions of Assembly Bill 361 (AB 361), which amends certain requirements of the Ralph M. Brown Act. Due to the threat of COVID-19, the District boardroom is closed and this meeting will be conducted solely by video/teleconference with members of the Board attending from separate remote locations. The public is invited to listen, observe, and provide comments during the meeting by either method provided for below. The Board President will call for public comment on each agenda item at the appropriate time and all votes will be taken by roll call.

For members of the public interested in viewing and having the ability to comment at the public meeting via Zoom, an internet enabled computer equipped with a microphone and speaker or a mobile device with a data plan is required. Use of a webcam is optional. You also may call in to the meeting using teleconference without video. Directors, staff, and members of the public who wish to participate in the meeting may do so by joining the following Zoom Videoconference Meeting:

*<https://zoom.us/j/7609342596> (meeting ID: 760 934 2596) OR
Join via teleconference by dialing 1-669-900-9128, 760-934-2596#*

AGENDA
REVISED

9:30 A.M.

Roll Call

Directors Cage, Domaille, Hylton, Smith, and Thompson

Current Business

1. Consider finding by a majority vote under Gov. Code, section 54953, subd. (e)(1)(B) that as a result of the COVID-19 emergency: (i) meeting in person would present imminent risks to the health or safety of attendees: and (ii) the meeting is authorized to be held by teleconference pursuant to Gov. Code, section 54953, subd. (e)(1)(C)

2. Discuss and Possibly Adopt Amendments to the Director's Compensation and Expense Reimbursement Policy to Include Provision Describing Existing Insurance Benefits

3. Discuss and Possibly Adopt Ordinance No. 12-15-22-16 Amending Section 6, Division IV of Chapter 4 of the MCWD Code to Clarify Employee Entry Date into Health Benefits Insurance Plans

Adjournment

The meeting will be held in the conference room at the District facility located one mile east of Old Mammoth Road on Meridian Boulevard, just off Highway 203, Mammoth Lakes, California.



MARK BUSBY
General Manager

Date of Issuance: Wednesday, December 14, 2022

Posted: MCWD Office
MCWD Website: www.mcwd.dst.ca.us
cc: Members, Board of Directors
Town of Mammoth Lakes
KMMT, KIBS, KSRW Radio

In compliance with the Americans with Disabilities Act, if you need a disability related modification or accommodation to participate in this meeting please call Stephanie Hake at (760) 934-2596 at least one full day before the meeting.

Documents and material relating to an open session agenda item that are provided to the Mammoth Community Water District Board of Directors less than 72 hours prior to a regular meeting will be available for public inspection and copying at the District facility located at 1315 Meridian Boulevard, Mammoth Lakes, California.

MAMMOTH COMMUNITY WATER DISTRICT

DIRECTOR'S COMPENSATION AND EXPENSE REIMBURSEMENT POLICY

Adopted: ~~March 18, 2021~~ December 15, 2022

I. PURPOSE

This document sets forth the policy of the Mammoth Community Water District concerning Directors' compensation and the payment of actual and necessary expenses incurred in the performance of official duties and is intended to comply with the requirements of Government Code sections 53232 through 53232.4.

II. DIRECTOR'S COMPENSATION

2.1 Amount of Compensation

Each member of the Board of Directors of the District will be entitled to receive \$225.50 per day for each day's attendance at meetings of the Board or for each day's service rendered as a member of the Board by request of the Board, as provided for in Article 2.2. A Director's attendance at a single Board committee meeting is considered a half day's service and shall be compensated at a rate of \$112.75. Notwithstanding the foregoing, a Director attending two or more Board committee meetings in a single day shall be deemed to have provided a full day's service and shall be entitled to be paid the authorized maximum daily stipend of \$225.50.

2.2 Types of Services for Which Compensation Will Be Provided

Applicable law (Government Code section 53232.1) permits the District to compensate Directors for each day's attendance at meetings of the Board, or for each day's service rendered as a Director, subject to a written policy adopted in a public meeting. A Director can be compensated for up to 10 days per calendar month of service in accordance with the Board's adoption of Ordinance No. 04-18-19-07. (Water Code section 20202.) The District encourages Directors to take advantage of opportunities to be informed concerning matters of interest to the District, and to inform others of the activities and interests of the District. The General Manager or his or her designee will provide to the Board on a monthly basis a list of meetings attended by each Director for which the Director was compensated under this policy. Directors will be compensated in the applicable amount provided for in Article 2.1, (for up to 10 days per calendar month) for attending the following types of meetings:

- a. Meetings of the Board of Directors of the District;
- b. Meetings of Board-appointed committees, attended as a member of the committee;

- c. Meetings of other governmental entities, associations or duly-recognized committees on which the District is officially represented, attended by the liaison representative of the Board and/or the liaison representative alternate who has been appointed to represent the District on the governmental entity or committee (both liaison representative and liaison representative alternate should attend all meetings to be informed on the issues and therefore both will be compensated for attending those meetings);
- d. Conferences, seminars, workshops and other events held within the State of California, State of Nevada, and State of Washington D.C. that are sponsored by industry associations or nonprofit entities for the purpose of discussing relevant water and local government issues, including days while attending the conference, seminar, workshop or event, but excluding days in transit to or from the conference, seminar, workshop or event (attendance at conferences, seminars, workshops and events held outside the State of California, State of Nevada, and State of Washington D.C. will be approved by the Board of Directors on a case-by-case basis);
- e. Educational training, seminars, and courses designed to improve Directors' understanding of District business and their obligations as public officials, including ethics training mandated under Government Code section 53235(a) and harassment prevention training under Government Code section 12950.1;
- f. Meetings, water industry events or office visits of a substantial duration concerning substantive District business as requested and approved for payment by the General Manager or the Board President; and

In connection with business, educational and ceremonial events for which the District has prepaid for a Director's attendance, the Director shall attend such events. If the Director is unable to attend the pre-paid event, the Director shall immediately notify the District. If the District cannot obtain a refund of fees paid, then the District shall bill the Director for reimbursement for all amounts paid, unless the Director's failure to attend the event arises from circumstances beyond the control of the Director.

2.3 Director Compensation Adjustments

The Board may increase the compensation paid to each Director for each day's service by no more than the annual rate of inflation as stated for the immediately preceding September in the Consumer Price Index for Los Angeles-Long Beach-Anaheim, California - All Urban Consumers (CPI-U). Consistent with Water Code Section 20202 and Ordinance

04-18-19-07, no annual increase in Director compensation may exceed five percent (5%) over the amount paid in the previous calendar year.

At the November 2021 Board meeting and at each subsequent November Board meeting, the Board shall review the proposed adjustment in its compensation for the following year and decide whether to ratify that increase as proposed, reduce the amount of the proposed increase to a lesser amount, or forego the increase entirely.

2.4 Director Insurance Benefits

Each member of the Board of Directors and their eligible dependents will be entitled to receive group medical, dental, vision, and life insurance benefits consistent with the District's ordinances, resolutions, regulations, and policies applicable to employees.

Coverage for any Director or their dependents is subject to the terms and conditions of each plan, any limitations imposed by federal or state law, and any changes made from time to time at the Board's discretion. Coverage is not immediate or automatic and may be subject to waiting periods, documentation requirements, exclusions, or other limitations as set for in the terms of each plan.

III. REIMBURSEMENT OF DIRECTORS' EXPENSES

3.1 Policy and General Rules

The District encourages Directors to attend conferences, seminars and other meetings that require their participation or provide an opportunity to be informed concerning matters of interest to the District. Each Director is entitled to reimbursement for the amount of the reasonable and prudent expenditures (i.e., registration fees, travel, meals, lodging, and other actual and necessary expenses) incurred in the performance of his or her official duties. When a Director pre-pays expenses (e.g. registration, airfare, hotel), the Director may submit such items for expense reimbursement prior to the meeting occurrence as described in article 3.2.

A Director may use his or her personal funds for meeting registration. The District will reimburse the Director for the actual amount of the registration, if properly reported and documented in accordance with article 3.4. If requested, staff will register a Director for qualifying meetings as described in article 2.2.

The District's annual budget will set an appropriate level of funding for payment of Directors' expenses. A Director will not be entitled to receive in excess of \$2,500 per fiscal year for reimbursable expenses, exclusive of registration fees, unless the Board of Directors preapproves a Director's request to increase this amount for the applicable fiscal year. A maximum of five paid meeting days per conference will be allowed with the following exception: ancillary programs that are not a part of the main conference

(e.g. ACWA/JPIA meetings). The General Manager or his or her designee will be responsible for ensuring that the budgeted amount is not exceeded without prior approval of the Board.

Any exceptions for expenses that do not come within the District's expense reimbursement policy must be approved by the Board in a public meeting. (Government Code section 53232.2, subd. (f).) Any question concerning the propriety of a particular expense should be resolved by the Board.

3.2 Reimbursable Expenses

Directors' direct expenses for attendance at meetings and events authorized by this policy, including registration fees, reasonable travel, lodging, and meal costs, and other actual necessary expenses, will be paid by the District in accordance with the guidelines and per diem rates for an accountable expense reimbursement plan as defined in the United States Internal Revenue Service's Publication 463 ("Travel, Entertainment, Gift and Car Expenses") and federal per diem rates published by the General Services Administration (GSA). A copy of these documents can be obtained from the Finance Manager.

The following expenses are authorized business-related expenditures:

- a. **Personal Vehicle Mileage.** A Director will be reimbursed for actual vehicle travel miles at the rate authorized under the IRS Publications for all meetings attended and services provided as defined in article 2.2, Director's Compensation, above. A Director will be considered to have accounted for personal vehicle expenses by indicating the actual miles traveled, the business purpose of the travel, and the date of travel on the approved District expense reimbursement form and submitted in accordance with article 3.4. The District will not reimburse Directors for any other personal vehicle expenses.
- b. **Hotel Expenses.** A Director will be reimbursed for lodging expenses incurred in accordance with this Policy when a Director attends conferences, seminars or meetings, if the Director stays at the hotel or other lodging listed in the event's registration materials at the group rate obtained for the event. If a Director travels on District business for which no hotel is designated or is unable to book lodging at a specified conference rate, he or she will be reimbursed at the per diem hotel rate published by the GSA for the city in which the hotel is located.
- c. **Meals.** A Director may be reimbursed for the cost of meals while attending authorized conferences, seminars or meetings away from the District based on the per meal rate published by the GSA. A Director may either

(a) report meals at the GSA per diem rate or (b) use the Director's personal funds to pay for meals, in which case the District will reimburse the Director for actual charges, but only up to the maximum per diem meal rates published by the GSA. If a Director is not traveling for a full day, defined as from 12:01 a.m. to 12:00 Midnight, the per diem meal/incidental allowance will be prorated according to the actual hours of travel unless a Director uses his or her personal funds to pay for meals, in which case the District will reimburse the Director for actual charges for meals incurred while traveling, but only up to the maximum per diem meal rate published by the GSA. If the District pre-pays the cost of one or more meals with a meeting, function or conference registration, a Director must attend the prepaid meals. If a Director fails to attend a pre-paid meal, a Director may not submit a claim for reimbursement for an alternative meal taken in lieu of the pre-paid meal.

- d. Incidental Allowance. Tips for meals will be reimbursed up to a maximum of 20% of the cost of the reimbursable portion of any meal in accordance with the tip shown on the receipt attached to an expense reporting form. The District will reimburse a Director for tips actually given to cabbies, baggage porters, bellhops and hotel housekeepers that are reasonable and customary for the area. A Director may be reimbursed for toll charges and parking fees up to the actual amount expended.
- e. Common Carrier Travel. When personal vehicle use for District business is impractical due to time and/or distance, a Director may use regularly-scheduled commercial carriers for travel. Consistent with scheduling needs and the most-direct route, a Director traveling by plane, train, rental vehicle, bus, taxi, or ride share will travel by the least-expensive fare actually available for the date and time of the travel. When possible, travel should be planned in advance to permit use of advance fares. Long-term parking must be used at airports for travel exceeding 24 hours. The District will reimburse the Director for the actual amount of the fare and related, necessary expenses (e.g., baggage fees), if properly reported in accordance with article 3.4.
- f. Telephone/Fax/Cellular/Internet. A Director will be reimbursed for actual telephone, fax and reasonable internet expenses incurred for District business. Telephone bills should identify which calls were made for District business. For cellular calls when the Director has a particular number of minutes included in the Director's plan, the Director can identify the percentage of calls made for District business.

3.3 Types of Expenses for Which Reimbursement Will Not Be Provided

Director expenses that are not deemed to be reimbursable business expenses may include, but are not limited to:

- a. Barber and/or beauty shop charges
- b. Fines for traffic or parking violations
- c. Expenses of any person accompanying a Director on a District-approved trip or event
- d. Personal telephone calls
- e. Fitness/Health Facility or Massages
- f. Alcoholic beverages
- g. Entertainment expenses (movies, sporting events, etc.)
- h. Non-Mileage vehicle expenses
- i. Charitable contributions

3.4 Expense Reporting Procedures

In order to be reimbursed for any expense authorized under this Policy, within 60 days of incurring the expense, a Director must fill out and sign a District-provided expense report form available from the Finance Department. The expense report form is designed to ensure that Directors' expense reimbursements comply with the requirements of Government Code section 53232.3 and IRS Publication 463. Accordingly, the General Manager will review each expense report form, and sign it to indicate compliance with the requirements of this policy. In all cases when a Director seeks reimbursement for expenses incurred while attending a conference, seminar or other meeting, a copy of the conference registration form must either be attached to his or her expense report or on file at the District (e.g. copy attached to check request or purchasing card paperwork). In addition, a Director will be required to attach the following documentation to his or her expense reimbursement report as a condition of receiving reimbursement for an appropriately-incurred business expense:

- a. **Personal Vehicle Mileage.** To verify mileage, the General Manager or designee will document personal vehicle mileage, using tools such as Google or MapQuest, which will be attached to the Director's expense report.
- b. **Lodging Expenses.** If a Director wishes to be reimbursed for lodging expenses, he or she must attach to the expense report an itemized bill issued by the hotel and a copy of the credit card receipt or other proof of the Director's payment. Except when attending a conference, seminar or other meeting and using the available group rate booked for the event, the District will reimburse a Director only for the actual amount of the hotel expenses incurred at the pre-arranged rate at the convention hotel or up to the GSA per diem rate for events that do not have a host hotel.

- c. Meal Expenses. If a Director wishes to be reimbursed for meal expenses at the GSA per diem rate, he or she may fill out the expense report form and claim the expense without further documentation. If a Director pays for meals with his or her own funds, he or she must attach to the expense report an itemized bill, copy of a credit card receipt or other proof of the Director's payment. In such cases, the District will reimburse a Director only for the actual amount of the meal expense incurred up to a maximum amount of the applicable per diem rate published by the GSA.
- d. Common Carrier Travel. A Director must attach to his or her expense report the fare, coupon, or itemized bill from a travel agency, airline, rental vehicle, bus or train showing the actual amount expended for such travel. A boarding pass, conference badge, business receipt from the destination or other documentation indicating the travel occurred must be attached to the Director's expense report.
- e. Incidental Expenses. Whenever possible, a Director should obtain a receipt for incidental expenses such as tolls, parking fees, and taxis or ride-sharing. For incidental expenses where no receipt is available, such as tips and parking meter costs, a reimbursement request for such expenses may be claimed on the District approved expense report. Certification that such expenses were related to District business, reasonable, appropriate, and actually incurred by the Director is made when signing the District approved expense report form.

In all cases, the Director will remain responsible for filing an expense report and attaching the appropriate documentation obtained by the Director in conformance with paragraphs a. through e. above. Flat-rate advances or payments of expenses are prohibited under Government Code section 53232.2, except for per diem payments authorized in accordance with the GSA published rates.

A Director must substantiate all expenses on an expense report with the appropriate documentation attached within 60 days of incurring or paying the expense. An expense report submitted after the 60 days will only be paid if approved by the Board at a regular meeting. Any mis- or late-reported expenses incurred by a Director will be considered income to the affected Director. To comply with the applicable tax laws, the District will issue to a Director a Form W-2 including all mis- or late-reported expenses as income.

3.5 Disclosure

To comply with reporting requirements of Government Code section 53232.3, the District will prepare a list of the meetings attended by each Director for which the District provided compensation, and a list of the amount and purpose of each expense

reimbursement paid by the District to each Director. This information will be included with the agenda materials for each regular monthly Board of Directors meeting. At the next regular Board meeting, Directors also must provide either an oral or written report of meetings or other authorized events attended for which they were compensated by the District. If multiple officials attended the same event, a joint report may be made.

All expenses are subject to verification that they comply with this Policy. Directors should keep in mind that some expenditures may be subject to reporting under the Political Reform Act and other laws. All District expenditures are public records subject to disclosure under the Public Records Act, except that the District will ensure that no Director personal information, such as credit card numbers and home addresses, is provided to the public in the event of a request for such records.

3.6 Penalties

Government Code Section 53232.4 defines the penalties for falsifying or misusing public funds. The penalties include: (1) loss of the violator's reimbursement privileges; (2) restitution of misused District funds; (3) civil penalties of up to \$1,000 per day for each day of violation and three times the value of the public resources misused; and (4) criminal prosecution and lifetime bar from holding public office. The Board will report any violation of this Policy to the appropriate authorities.

3.7 Payment of Compensation and Expenses

All reimbursable expenses as outlined in this policy will be paid within the next payroll cycle upon receipt of a completed expense reporting form approved by the General Manager or designee.

III. POLICY REVIEW

This Policy shall be reviewed at least biennially.

IV. APPLICABILITY

This Policy shall take effect immediately upon adoption by the Board of Directors and its terms shall prevail over any sections of the MCWD Code of Ordinances which are inconsistent, redundant, or in conflict with the terms contained herein.

AGENDA ITEM

Subject: Possibly Adopt Amendments to the Director's Compensation and Reimbursement Policy to Include Provision Describing Existing Insurance Benefits

Information Provided By: Mark Busby, General Manager

Background

Consistent with Water Code section 31008 and other laws, it is the established policy of MCWD to provide its active directors and their eligible dependents with group medical, dental, vision, and life insurance benefits. This practice is consistent with the benefits paid to all District staff as defined in the District's Code, Chapter 4, Division IV, Section 6, although directors are not specifically mentioned. Historical records for MCWD are spotty, and there is no known documentation authorizing this practice. This benefit to directors is in addition to the compensation for meeting attendance per California Water Code section 20202.

At the November 2022 regular board meeting, the Board discussed the possibility of changing the established waiting period for MCWD-paid health insurance benefits eligibility as provided in Water Code section 31008. Direction was given to staff and legal counsel to research the options to shorten the waiting period to better align with the practice of other public agencies in the region and if possible, bring the subject back to the Board for consideration in December.

Discussion

Since the Board is considering amending the District Code and policy pertaining to the waiting period for MCWD-paid health insurance benefits eligibility, this is an opportune time to update the Director Compensation and Reimbursement Policy to include a provision which describes the existing health and welfare benefits which the District provides to its active Directors.

Fiscal Impact

This agenda item is a housekeeping item to document the existing policy that was implemented many years ago. There is no fiscal impact by amending this policy.

Requested Action

Consider adopting the amended Director Compensation and Reimbursement Policy to include the provision describing existing insurance benefits.

Attachment: PL-BOD-002 Director Compensation and Reimbursement Policy (*track changes*)

ORDINANCE NO. 12-15-22-16

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE MAMMOTH COMMUNITY WATER DISTRICT AMENDING
SECTION 6, DIVISION IV OF CHAPTER 4 OF THE DISTRICT CODE**

BE IT ORDAINED by the Board of Directors of the Mammoth Community Water District as follows:

SECTION ONE. **PURPOSE AND AUTHORITY**

This Ordinance amends Section 6, Division IV of Chapter 4 of the District Code, which governs conditions of Employees' entry into and participation in District-provided group medical, dental, vision, and life insurance benefits plans. The authority for this Ordinance is found in California Water Code sections 31024 through 31029 and sections 31100 through 31102, 31104, and 31105, Government Code section 53069.4, and other applicable law.

SECTION TWO. **AMENDMENT OF SECTION 6, DIVISION IV OF CHAPTER 4 OF THE DISTRICT CODE**

Subdivision (a) of Section 6, Division IV of Chapter 4 of the District Code is hereby amended and replaced in its entirety as follows:

- a) Group medical, dental, vision, and life insurance is available to all full- and part-time employees in regular positions, and their eligible dependents, who work the hours required under the insurance policy in order to be eligible to participate. An employee becomes eligible on the first day of the month following their employment.

SECTION THREE. **INCONSISTENCY**

To the extent that the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior District ordinances, resolutions, rules or regulations governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof and such inconsistent or conflicting provisions of prior ordinances, resolutions, rules or regulations are hereby repealed as of the effective date of this Ordinance.

SECTION FIVE. **INVALIDITY**

If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, no other provision of this Ordinance shall be affected thereby.

SECTION SIX. **PUBLICATION**

The District General Manager or his designee is directed to publish a summary of this Ordinance once, with the names of the members voting for and against the Ordinance, in a newspaper published within the District within 10 days after the adoption of this Ordinance.

SECTION SEVEN. EFFECTIVE DATE

This Ordinance shall take effect upon adoption pursuant to California Water Code sections 31027 and 31105.

PASSED AND ADOPTED by the Board of Directors of the Mammoth Community Water District at a meeting held on December 15, 2022, on the following roll call vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

MAMMOTH COMMUNITY WATER DISTRICT

By: _____
Thomas R. Smith
President, Board of Directors

SECRETARY’S CERTIFICATE

I hereby certify that the foregoing is a full, true and correct copy of Ordinance No. 12-15-22-16, duly and regularly adopted by the Board of Directors of MAMMOTH COMMUNITY WATER DISTRICT in the Town of Mammoth Lakes, County of Mono, on December 15, 2022.

Secretary, Board of Directors

AGENDA ITEM

Subject: Possibly Adopt Ordinance No. 12-15-22-16 Amending Section 6, Division IV of Chapter 4 of the MCWD Code to Clarify Employee Entry Date into Health Benefits Insurance Plans

Information Provided By: Chris Weibert, Human Resources Manager

Background

The Mammoth Community Water District provides its employees and their eligible dependents with group medical, dental, vision, and life insurance benefits as authorized by Water Code section 31008 and other laws. This practice is consistent with the District's Personnel Manual, Code Chapter 4, Division IV, Section 6 Insurance, which provides:

a) Group medical, dental, vision, and life insurance is available to all full- and part-time employees in regular positions, and their eligible dependents, who work the hours required under the insurance policy in order to be eligible to participate. An employee becomes eligible on the first day of the second calendar month following his/her employment.

At the November 2022 regular board meeting, the Board discussed the possibility of changing the established waiting period for MCWD-paid health insurance benefits eligibility. Direction was given to staff and legal counsel to research the options to shorten the waiting period to better align with the practice of other public agencies in the region and if possible, bring the subject back to the Board for consideration in December.

Discussion

MCWD staff verified that health insurance eligibility at other public agencies in the region is simply the first day of the month following their employment. The District's health benefits provider, ACWA-JPIA, advises that this change is consistent with its policies. In addition, this entry date policy is the most widely used by public and private employers that provide health benefits to their employees. Because the language that dictates the District's practice for health insurance eligibility is part of the District's Code, enacting an ordinance is required to make any changes. Therefore, staff worked with legal counsel and are presenting the attached ordinance for consideration to make this change to the District's policy. If the ordinance is adopted, the change would be effective immediately.

Fiscal Impact

If adopted, MCWD would begin paying health benefits for new staff members one month earlier than is the current practice. Over the past three years, the District has had an average of five new hires each calendar year. The cost of health benefits per person varies depending on family size, but the per person cost to the District ranges from approximately \$900.00 to \$2,300.00 per month. Based on historical information the fiscal impact to the District could be anywhere from \$4,500.00 to \$11,000.00 annually.

Requested Action

Consider adopting Ordinance No. 12-15-22-16 amending Section 6, Division IV of Chapter 4 of the MCWD Code.

Attachment: Ordinance No. 12-15-22-16