



BOARD OF DIRECTORS REGULAR MEETING MINUTES

Monday, June 20, 2022, at 3:00 PM

Via Teleconference – No Live Attendance

CALL TO ORDER

President Martin called the meeting to order at 3:00 PM

PLEDGE OF ALLEGIANCE

Led by President Martin, invocation led by Vice President Wright.

ROLL CALL

BOARD MEMBERS PRESENT: President Russ Martin, Vice President Nancy Wright, Director Randy Duncan, Director Ivan Sewell, Director Steve Grasha

STAFF MEMBERS PRESENT: Andy Grunnet, Alex Nine, Amanda Lucas, April Scott, Robert Lopez, Danny Friend, Eric Weck, Jason Weekly, Jeff Nutter, Lisa Pelton, Marion Champion, Oriana Hoffert, Brian Macy, Arden Wallum, Kurt Kettenacker, Dori Petee

RULES OF PROCEDURE

Rules of Procedure were ready by General Counsel, John Pinkney.

First all noticed meetings are conducted using Rosenberg’s Rules of Order as procedural guidance. Directors should refrain from responding directly to public comment at meetings of the Board. The President of the Board presides at all meetings and decides all points of order and procedure during meetings. The President is responsible for maintenance and decorum at all Board meetings. No persons shall be allowed to speak who is not first been recognized by the President. All questions and remarks should be addressed to the President as the presiding officer. No member of the Board should speak more than once upon any one subject until every other member on the Board, wishing to speak on the subject shall have been given the opportunity to speak. No Board member shall interfere with the orderly progress of a Board meeting. In order to ensure the orderly progress of Board meetings the Board President regulates the amount of time to be dedicated to a particular agenda item.”

PUBLIC INPUT

No public input

President Martin indicated the following item was being moved to the beginning of the meeting to ensure that Director Sewell, who is overseas, could participate in the voting on this item.

FISCAL YEAR 2022/2023 BUDGET

The Board adopted Resolution No. 2022-11, adopting the Operating and Capital Budgets FY 2022-2023.

Motion made by Director Duncan, Seconded by Director Sewell.

Voting Yea: President Martin, Vice President Wright, Director Duncan, Director Sewell

Voting Nay: Director Grasha

The Board adopted Resolution No. 2022-12, adopting its Appropriations Limit for FYE June 30, 2023.

Motion made by Vice President Wright, Seconded by Director Duncan

Voting Yea: President Martin, Vice President Wright, Director Duncan, Director Sewell

Voting Nay: Director Grasha

The Board adopted Resolution No. 2022-13, adopting its Employee Classification Plan effective July 1, 2022.

Motion made by Director Grasha, Seconded by Director Duncan.

Voting Yea: President Martin, Vice President Wright, Director Duncan, Director Sewell, Director Grasha

EMPLOYEE RECOGNITION

HUMAN RESOURCES REPORT

The Board acknowledged the following employees:

ANNIVERSARIES

Joseph McElrone	Collections Operator II	1 Year
Alexander Nine	Field Operations Technician II	5 Years

PROMOTIONS

Alexander Nine	Field Operations Technician II (Formerly – Field Operations Technician I)
----------------	--

CERTIFICATIONS/EDUCATIONAL ACCOMPLISHMENTS

April Scott (Customer Service Manager)	Bachelor of Arts Communication
---	--------------------------------

ACTION ITEMS

RESOLUTION 2022-08 - A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MISSION SPRINGS WATER DISTRICT PROCLAIMING A LOCAL EMERGENCY PERSISTS, RE-RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY EXECUTIVE ORDER N-09-21, AND RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE MISSION SPRINGS WATER DISTRICT FOR THE PERIOD JUNE 23, 2022 – JULY 22, 2022, PURSUANT TO PROVISIONS OF THE RALPH M. BROWN ACT

The Board approved Resolution 2022-08, continuing teleconferencing meetings for the period of June 23, 2022 - July 22, 2022.

Motion made by Director Grasha, Seconded by Director Sewell.

Voting Yea: President Martin, Vice President Wright, Director Duncan, Director Sewell, Director Grasha

PUBLIC HEARING - RESOLUTION 2022-09 – TO ESTABLISH WATER STANDBY ASSESSMENTS

The Board adopted Resolution No. 2020-09 making determination to fix, levy and collect water service standby assessments for fiscal year 2022-2023.

Motion made by Director Sewell, Seconded by Director Duncan.

Voting Yea: President Martin, Vice President Wright, Director Duncan, Director Sewell, Director Grasha

PUBLIC HEARING - RESOLUTION 2022-10 – TO ESTABLISH SEWER STANDBY ASSESSMENTS

The Board adopted Resolution No. 2022-10 making determination to fix, levy and collect sewer service standby assessments for fiscal year 2022-2023.

Motion made by Director Grasha, Seconded by Vice President Wright.

Voting Yea: President Martin, Vice President Wright, Director Duncan, Director Sewell, Director Grasha

RESOLUTION 2022-14 – NOTICE OF GENERAL DISTRICT ELECTION, NOVEMBER 8, 2022 AND ESTABLISHMENT OF DEPOSIT FOR OPTIONAL CANDIDATE’S STATEMENT

The Board adopted Resolution No. 2022-14 and authorize the District Secretary to notify the County Registrar of Voters that candidates will be responsible for costs associated with the Candidate’s Statement.

Motion made by Vice President Wright, Seconded by Director Duncan.

Voting Yea: President Martin, Vice President Wright, Director Duncan, Director Sewell, Director Grasha

RESOLUTION 2022-15 – ADDITION OF DELINQUENT ACCOUNTS TO COUNTY TAX ROLLS

The Board adopted Resolution No. 2022-15 requesting Addition of Delinquent Water and Sewer Charges and Other Fees of \$5.00 or more to the 2022-2023 Riverside County Tax Rolls.

Motion made by Director Duncan, Seconded by Director Sewell.

Voting Yea: President Martin, Vice President Wright, Director Duncan, Director Sewell, Director Grasha

CONTRACT AGREEMENT WITH URBAN HABITAT FOR ANNUAL LANDSCAPE MAINTENANCE FOR DISTRICT FACILITIES FOR 2022-2023

The Board authorized the General Manager to approve a contract agreement with Urban Habitat titled Annual Landscape Maintenance for District Facilities for fiscal year 2022-2023, for a not to exceed amount of \$70,100.00, plus a 10% contingency (total of \$77,110.00), for a period of one year and authorized the General Manager to do all things necessary to complete the project.

Motion made by Director Grasha, Seconded by Director Duncan.

Voting Yea: President Martin, Vice President Wright, Director Duncan, Director Sewell, Director Grasha

CONTRACT AGREEMENT WITH SOUTHERN CALIFORNIA FLEET SERVICES FOR FLEET SERVICE MAINTENANCE AND REPAIRS FOR 2022-2023

The Board authorized the General Manager to approve a contract agreement with Southern California Fleet Services Inc. to perform fleet service maintenance and repairs for all District vehicles and equipment, for a not to exceed amount of \$100,000.00, for a period of one year.

Motion made by Director Grasha, Seconded by Vice President Wright.

Voting Yea: President Martin, Vice President Wright, Director Duncan, Director Sewell, Director Grasha

FIRST SUPPLEMENT TO THE MEMORANDUM OF UNDERSTANDING REGARDING COLLABORATION ON THE COACHELLA VALLEY SALT AND NUTRIENT MANAGEMENT PLAN

The Board authorized the General Manager to execute the First Supplement to the Memorandum of Understanding (MOU) with the Coachella Valley Salt and Nutrient Management Plan (CV-SNMP) Agencies regarding collaboration and cost sharing on the CV-SNMP Update and augmented the capital budget creating a project in the amount of \$400,000.

Motion made by Director Grasha, Seconded by Director Duncan.

Voting Yea: President Martin, Vice President Wright, Director Duncan, Director Sewell, Director Grasha

ACCEPTANCE OF THE EMERGENCY REPAIR OF 150 LINEAR FEET OF 8-INCH SANITARY LINE AND FIVE SERVICE CONNECTIONS ON ACOMA AVENUE

The Board accepted the Emergency Repair of 150 Linear Feet of 8-inch sanitary sewer on Acoma Avenue Project as complete and authorized the release of retention money held for Tryco General Engineering Inc. in the amount of \$3,994.08, thirty-five days after filing the Notice of Completion (NOC).

Motion made by Director Sewell, Seconded by Vice President Wright.

Voting Yea: President Martin, Vice President Wright, Director Duncan, Director Sewell, Director Grasha

AWARD THE ON-CALL POTABLE WATER AND SANITARY SEWER REPAIR SERVICES WITH TRYCO GENERAL ENGINEERING AND TRI-STAR CONTRACTING II, INC.

The Board authorized the General Manager to award and do all things necessary to complete the On-Call Potable Water and Sanitary Sewer Repair Services contracts for the two (2) contractors listed below:

- a) TryCo General Engineering, Inc. in the not to exceed amount of \$150,000; and
- b) Tri-Star Contracting II, Inc., in the not to exceed amount of \$150,000.

Motion made by Director Grasha, Seconded by Director Duncan.

Voting Yea: President Martin, Vice President Wright, Director Duncan, Director Sewell, Director Grasha

APPROVE CHANGE ORDER NO. 2, AND CONTRACT AMENDMENT FOR WELL 24 ELECTRICAL PANEL REHABILITATION

The Board authorized the General Manager to negotiate and execute two (2) contract modifications related to additional work required by Southern California Edison for Well 24 Electrical Panel Rehabilitation. The two (2) contract modifications are:

- Change Order No. 2 with R.I.C. Construction Co., Inc. for a not to exceed amount of \$21,362.62 (total of \$552,417.32).

- Contract Amendment with Murow Development Consultants for a not to exceed amount of \$15,000 (total of \$90,000) for construction management and inspection services.

Motion made by Director Grasha, Seconded by Vice President Wright.

Voting Yea: President Martin, Vice President Wright, Director Duncan, Director Sewell, Director Grasha

CONTRACT AGREEMENT WITH B-81 PAVING INC. FOR PAVEMENT REPAIRS FOR WATER AND SEWER PROJECTS FOR 2022-2023

The Board authorized the General Manager to approve a contract agreement with B-81 Paving Inc. titled Pavement Repairs for Water and Sewer Projects for fiscal year 2022-2023, for a not to exceed amount of \$250,000.00, for a period of one year and authorized the General Manager to do all things necessary to complete the project

Motion made by Director Grasha, Seconded by Director Sewell.

Voting Yea: President Martin, Vice President Wright, Director Duncan, Director Sewell, Director Grasha

ACCEPTANCE OF BILL OF SALE FOR THE NEW DOLLAR GENERAL

The Board authorized the General Manager to execute the Bill of Sale for the Water and Sewer Infrastructure for the New Dollar General project located at 11405 Palm Drive, Desert Hot Springs as contributed assets.

Motion made by Vice President Wright, Seconded by Director Duncan.

Voting Yea: President Martin, Vice President Wright, Director Duncan, Director Sewell, Director Grasha

CALIFORNIA SPECIAL DISTRICT ASSOCIATION BOARD OF DIRECTORS, SEAT B TERM 2023 - 2025 SOUTHERN NETWORK

The Board reviewed, considered and selected one (1) of the three (3) candidates nominated for Seat B - Southern Network and directed the General Manager to vote for the candidate of choice.

The Board directed the General Manager to place a vote for Beverli Marshall.

Motion made by Director Grasha, Seconded by Vice President Wright.

Voting Yea: President Martin, Vice President Wright, Director Duncan, Director Sewell, Director Grasha

DISCUSSION ITEMS**MSWD REGIONAL WATER RECLAMATION FACILITY UPDATE**

Nothing further to add

CRITICAL SERVICES CENTER AND ADMINISTRATIVE BUILDING UPDATE

Nothing further to add

CONSENT AGENDA

Motion made by Vice President Wright, Seconded by Director Duncan.

Voting Yea: President Martin, Vice President Wright, Director Duncan, Director Sewell, Director Grasha

APPROVAL OF MINUTES

The Board approved the minutes as follows:

May 12, 2022 - Study Session

May 16, 2022 - Board Meeting

May 23, 2022 - Special Meeting (Closed Session)

REGISTER OF DEMANDS

The register of demands totaling \$2,812,222.52

CORRESPONDENCE

THANK YOU, LETTER AND CERTIFICATE, FROM DESERT HOT SPRINGS HIGH SCHOOL

THANK YOU, LETTER AND CERTIFICATE, FROM DESERT HOT SPRINGS ROTARY

REPORTS

DIRECTOR'S REPORTS

Vice President Wright reported she attended the following events: CVAG ~ CVCC and E&E Meetings, 5/3-5/5 ACWA Spring Conference.

Director Duncan reported he attended the following events: 5/10 CVWD Board Meeting, 5/17 DWA Board Meeting, 5/24 CVWD Board Meeting.

Director Sewell reported he attended the following events: 5/3 - 5/5 ACWA Conference, 5/11 Joint Chamber Mixer, 5/17 GCVCC Networking Event, 5/18 DVBA, 5/25 DVBA Networking Night.

President Martin reported he attended the following events: 5/3-5/5 ACWA Spring Conference, 5/17 DHS City Council Meeting, 5/18 DVBA Luncheon, 5/19 County Oversight Board Meeting, 5/25 DVBA Networking Night.

GENERAL MANAGER'S REPORT

Nothing further to add on either item

A. FINANCIAL REPORT

B. PUBLIC AFFAIRS REPORT

COMMENTS

DISTRICT COUNSEL COMMENTS

Mr. Pinkney announced closed session on the items indicated below.

DIRECTOR COMMENTS

Director Duncan made comment on the Human Resources report. He congratulated the employees recognized today.

Vice President Wright mentioned that the District has applied for a Governance Finance Officer Association Certificate.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION

pursuant to Government Code Section 54956.9(d)(1)

One Case: Case No. RIC 2003782

(George Padilla and Sharon Moreno vs. Mission Springs Water District)

CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION

pursuant to Government Code Section 54956.9(d)(1)

One Case: Case No. PSC 1600676

(Mission Springs Water District vs. Desert Water Agency)

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

potential initiation of litigation pursuant to Government Code 54956.9(d)(4) (two potential cases).

REPORT ON ACTION TAKEN DURING CLOSED SESSION

The Board met in closed session on the items below:

CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION pursuant to Government Code Section 54956.9(d)(1) One Case: Case No. RIC 2003782 (George Padilla and Sharon Moreno vs. Mission Springs Water District) – **No reportable action taken on this item.**

CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION pursuant to Government Code Section 54956.9(d)(1) One Case: Case No. PSC 1600676 (Mission Springs Water District vs. Desert Water Agency)

The Motion was to file an appeal on this action

Motion made by President Martin, Seconded by Director Duncan.

Voting Yea: President Martin, Vice President Wright, Director Duncan, Director Sewell

Voting Nay: Director Grasha

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION potential initiation of litigation pursuant to Government Code 54956.9(d)(4) (two potential cases).

Motion in favor of filing a motion to initiate Quo Warranto proceedings on behalf of the District with respect to Director Duncan and Director Grasha, to determine whether they satisfy residency requirements within the division that elected them.

Motion made by President Martin, Seconded by Vice President Wright.

Voting Yea: President Martin, Vice President Wright, Director Sewell

ADJOURN

With no further action, President Martin adjourned the meeting at 5:16 PM

Respectfully,

Arden Wallum

Secretary of the Board of Directors