



# BOARD OF DIRECTORS REGULAR MEETING MINUTES

Monday, April 15, 2024 at 3:00 PM

66575 Second St, Desert Hot Springs, CA AND/OR Via Teleconference

## CALL TO ORDER

President Sewell called the meeting to order at 3:00 PM.

## ROLL CALL

**BOARD MEMBERS PRESENT:** President Ivan Sewell, Vice President Robert Griffith, Director Russ Martin, Director Amber Duff, Director Ted Mayrhofen.

**STAFF MEMBERS PRESENT:** Brian Macy, Marion Champion, Danny Friend, Arturo Ceja, Eric Weck, Oriana Hoffert, Chad Finch, Charles Bell, April Scott, Amanda Lucas, Dori Petee.

## PLEDGE OF ALLEGIANCE

Director Martin led the Pledge of Allegiance

## RULES OF PROCEDURE

**Rules of Procedure were read by General Counsel, John Pinkney.**

*All noticed meetings are conducted using Rosenberg’s Rules of Order as a procedural guideline. Directors should refrain from responding directly to public comments at meetings of the Board. The Board President will refer matters raised during public comment to the General Manager for follow-up when appropriate. Occasionally, a prompt response may be offered when an obvious answer resolution is available provided this is done in compliance with the Brown Act. Directors should refrain from debating or making decisions in response to public comments. 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 person 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 about 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

Jeff Bowman, DHS resident and President of Cabot’s Pueblo Museum, thanked the Board and District for the Earth Day Event sponsored by MSWD.

## EMPLOYEE RECOGNITION

## HUMAN RESOURCES REPORT

The Board briefly acknowledged the following employees:

### ANNIVERSARIES

Julio Martinez	Field Operations Technician II	1 Year
Adam Wagner	Water Production Operator I	2 Years

Lisa Pelton

Customer Service Rep II

21 Years

**PROMOTIONS**

Amanda Lucas

Administrative Assistant II to Contract Analyst

Marion Champion

Government &amp; Public Affairs Manager to Assistant General Manager

**ACTION ITEMS****PUBLIC HEARING ~ RESOLUTION 2024-08 ~ FINDING AND DETERMINING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN PROPERTY FOR PUBLIC PURPOSES**

The Board conducted the public hearing and adopted Resolution 2024-08, finding and determining that the public interest, convenience, and necessity require the acquisition of certain property for public purposes.

President Sewell opened the public hearing; the secretary gave her report, and a staff report was provided by District Counsel. He asserted the Board is aware of the construction of the sewer main running north and south within the Little Morongo Road right-of-way. A concerted effort was made to minimize the need to acquire private property for the project; however, in order to accommodate the sewer main construction needed in connection with the NWRWRF, real property interests, permanent easements, and temporary easements in the property described in the Resolution being voted on today, are required. The identified property is currently vacant industrial-zoned land and is owned by Southern California Edison (SCE). Staff has attempted to negotiate a purchase of the property from SCE, but the negotiations have not yet resulted in a settlement. Pursuant to Government Code §6500 et seq and other statutes, the District is authorized to acquire property interest in the property by eminent domain provided that certain procedural steps are followed. First, the District must make a written offer to the property owner based upon an appraisal. An offer was made and, to date, has not been accepted. It is now necessary that an action in eminent domain be commenced to acquire the property. Prior to filing the action, the District must hold a hearing, which we are doing today, and provide the property owner the opportunity to be heard. Prior to today's hearing the property owner submitted a letter stating their objections. At the conclusion of the hearing, if the Board finds that public necessity so requires, the Board should adopt the Resolution of Necessity. The findings are set forth in the Resolution of Necessity and specifically, the Board must find that the public interest, convenience, and necessity require the project. Secondly, that the project is planned or located in the manner that would be most compatible with the greatest public good and the least private injury. The property is being acquired to improve the safety and efficiency of the sewer facilities within the district by constructing a sewer main needed for the regional plant. Thirdly that the property interests sought to be acquired are necessary for the project; in this case, the sewer main construction project provides for a new sewer running north and south within the defined little Morongo right-of-way. Temporary construction easement areas will also be required to enable the construction of the project. Without permanent and temporary easements on the property, the proposed project cannot be completed. This project is necessary for the completion of the NWRWRF. Questions related to the value of the property that's being acquired are not relevant for today's meeting; however, that does not mean that negotiations for the acquisition of the property are at an end. If the board does adopt the resolution of necessity, negotiations for the acquisition of the property by agreement will continue.

Public Comment on this item: Drew Jones, outside counsel for Southern California Edison, addressed the Board. He noted that he wanted to incorporate what was stated in Mr. Rothenberg's letter. SCE would prefer to use its own um plats and legals, and they are in the process of reviewing the plats and legals that are part of the resolution of necessity package but haven't completed that review. To the extent that there would be changes necessary and that those would not be included, that would mean that the project is not being designed in a manner that promotes the least private injury. The compensation is not part of this, but we want to make sure that because there was a 33 kV line that needed to be redesigned as part of this, the compensation includes all of SCE's costs related to the project's impact on the property.

President Sewell closed the public hearing and welcomed Board discussion.

**Motion made by Vice President Griffith, Seconded by Director Duff.**

**Voting Yea:** President Sewell, Vice President Griffith, Director Martin, Director Duff, Director Mayrhofen

**PUBLIC HEARING ~ RESOLUTION 2024-06 ~ TO COLLECT SEWER FEES ON TAX ROLL**

The Board conducted the Public Hearing and adopted Resolution 2024-06, electing to collect sewer user fees on the tax roll under California Health and Safety Code §5470 et. seq.

President Sewell opened the public hearing; the secretary gave her report, and a staff report was provided by Arturo Ceja. Mr. Ceja presented a brief overview of this annual process.

There was no public present to speak on this item.

President Sewell closed the public hearing and welcomed Board discussion.

**Motion made by Director Duff, Seconded by Vice President Griffith.**

**Voting Yea:** President Sewell, Vice President Griffith, Director Martin, Director Duff

**Voting Nay:** Director Mayrhofen

**RECEIVE AND FILE THE MISSION CREEK SUBBASIN ANNUAL REPORT FOR WATER YEAR 2022-2023**

The Board received and filed the Mission Creek Subbasin Annual Report for Water Year 2022-2023 prepared for the Coachella Valley Water District, Desert Water Agency, and Mission Springs Water District by WSP USA Environmental & Infrastructure Inc.

Rick Rees, Principal Hydrogeologist for WSP gave a presentation on the Sustainable Groundwater Management Act WY 2022-2023, Annual Report for the Mission Creek Subbasin.

**Motion made by Vice President Griffith, Seconded by Director Duff.**

**Voting Yea:** President Sewell, Vice President Griffith, Director Martin, Director Duff, Director Mayrhofen

**AUTHORIZATION FOR PURCHASE OF EQUIPMENT FOR THE NANCY WRIGHT REGIONAL WATER RECLAMATION FACILITY AND AUGMENTATION OF THE CAPITAL BUDGET**

The Board authorized the General Manager to approve the purchase of equipment for the Nancy

Wright Regional Water Reclamation Facility for a not to exceed amount of \$331,966.22 and augment the capital budget to accommodate this expenditure.

**Motion made by Director Martin, Seconded by Director Mayrhofen.**

**Voting Yea:** President Sewell, Vice President Griffith, Director Martin, Director Duff, Director Mayrhofen

**ADOPT RESOLUTION 2024-07 AND RECLASSIFY THE GOVERNMENT AND PUBLIC AFFAIRS MANAGER POSITION**

The Board adopted Resolution 2024-07 amending the Employee Classification Plan for FY 2023-24 with the reclassification of the Public Affairs Manager position.

**Motion made by Vice President Griffith, Seconded by Director Martin.**

**Voting Yea:** President Sewell, Vice President Griffith, Director Martin, Director Duff

**Voting Nay:** Director Mayrhofen

**AWARD OF CONTRACT TO AECOM FOR ASSESSMENT DISTRICT NO. 18, AREA D-3 SANITARY SEWER DESIGN SERVICES**

The Board authorized the General Manager to negotiate and execute a contract with AECOM Technical Services, Inc. (AECOM) for repackaging of the plans and specifications for the AD-18 Area D-3 Sewer Construction Project for a total amount not to exceed \$51,834.

**Motion made by Vice President Griffith, Seconded by Director Martin.**

**Voting Yea:** President Sewell, Vice President Griffith, Director Martin, Director Duff, Director Mayrhofen

**AWARD OF ON-CALL GENERAL ENGINEERING SERVICES CONTRACT AMENDMENT NO. 1 FOR THE PREPARATION OF A WATER SUPPLY ASSESSMENT AND WATER SUPPLY VERIFICATION FOR PROJECT VIENTO DEVELOPMENT**

The Board authorized the General Manager to execute a contract amendment with TKE Engineering, Inc. for the preparation of a Water Supply Assessment and Water Supply Verification for the Viento Development Project in the amount of \$21,040.00.

Engineering Manager Eric Weck provided a brief update. The current on-call contract with TKE was addressed. Mr. Weck presented a slide with the breakdown of projects.

**Motion made by President Sewell, Seconded by Director Martin.**

**Voting Yea:** President Sewell, Vice President Griffith, Director Martin, Director Mayrhofen

**Voting Nay:** Director Duff

**AWARD OF CONTRACT TO CANYON SPRINGS ENTERPRISES FOR THE WELL 22 REHABILITATION AND CAPITAL BUDGET AUGMENTATION**

The Board authorized the General Manager to award a contract for the Well 22 Rehabilitation Project to Canyon Springs Enterprises, the lowest responsible bidder, in the amount of \$1,333,916.00, plus a 10% contingency (total \$1,467,307.60), and augmented \$680,000 to the capital improvement budget amount to \$2,240,000 for Job No. 11611, and to do all things necessary to complete the project.

Engineering Manager Eric Weck provided a brief update. He confirmed the staff recommendation that was corrected above.

**Motion made by Vice President Griffith, Seconded by Director Duff.**

**Voting Yea:** President Sewell, Vice President Griffith, Director Martin, Director Duff, Director Mayrhofen

**AWARD OF CONTRACT TO MWH CONSTRUCTORS, INC. FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR WELL 22 REHABILITATION**

The Board authorized the General Manager to execute a contract agreement with MWH Constructors for an amount not to exceed \$189,573 for construction management and inspection services for the Well 22 Rehabilitation.

**Motion made by Director Duff, Seconded by Vice President Griffith.**

**Voting Yea:** President Sewell, Vice President Griffith, Director Martin, Director Duff, Director Mayrhofen

**AWARD CONTRACT AMENDMENT #3 TO WEST YOST FOR HORTON PHASE I NITROGEN CONTROL STRATEGY IMPLEMENTATION**

The Board awarded contract amendment #3 to West Yost to implement Phase I of the work plan described in the Horton WWTP Nitrogen Control Strategy Technical Report approved by the Colorado River Regional Water Quality Control Board in September 2023. This will increase the contract amount to \$84,700.00, from \$181,306.00 to a new total of \$266,006.00.

**Motion made by Director Martin, Seconded by Vice President Griffith.**

**Voting Yea:** President Sewell, Vice President Griffith, Director Martin, Director Duff, Director Mayrhofen

**AWARD OF PROFESSIONAL SERVICES AGREEMENT FOR GEOVIEWER SOFTWARE SUBSCRIPTION AND SUPPORT SERVICES FOR THE MISSION SPRINGS WATER DISTRICT TO NOBEL SYSTEMS**

The Board authorized the General Manager to execute a three-year contract for GeoViewer Software Subscription and Support Services for the Mission Springs Water District in the amount of \$63,129.00 to Nobel Systems and authorized the General Manager to do all things necessary to complete the project.

**Motion made by Vice President Griffith, Seconded by Director Duff.**

**Voting Yea:** President Sewell, Vice President Griffith, Director Martin, Director Duff, Director Mayrhofen

**DISCUSS RIVERSIDE LOCAL AGENCY FORMATION COMMISSION (LAFCO) ELECTION OF TWO POSITIONS**

The Board considered the nominees for two Riverside Local Agency Formation Commission (LAFCO) positions up for election and directed the Board President cast a vote for a Regular Special District Member from the Eastern Region of the County and an Alternate Special District Member Countywide.

The Board directed the President to cast a vote for regular and alternate members.

## DISCUSSION ITEMS

### **NANCY WRIGHT REGIONAL WATER RECLAMATION FACILITY UPDATE**

Terry Renner of TKE presented a construction and funding update to the Board. The ribbon cutting for this facility is scheduled for June 7, 2024.

### **CRITICAL SERVICES CENTER AND ADMINISTRATIVE BUILDING UPDATE**

Alvin Flores of Ruhnau Clarke Architects presented a design update to the Board.

## CONSENT AGENDA

### **Motion made by Vice President Griffith, Seconded by Director Martin.**

**Voting Yea:** President Sewell, Vice President Griffith, Director Martin, Director Duff, Director Mayrhofen

### **APPROVAL OF MINUTES**

It is recommended to approve the minutes as follows:

March 6, 2024 - Special Meeting Workshop

March 14, 2024 - Study Session

March 18, 2024 - Board Meeting

### **REGISTER OF DEMANDS**

The register of demands totaling \$4,337,139.49

## REPORTS

### **DIRECTOR'S REPORTS**

Director Martin reported attending the following meetings and events: 3/5 RivCo Board of Supervisors Meeting, 3/5 DHS City Council Meeting, 3/7/2024 DVBA Legislative Meeting, 3/9 DHS Little League Opening Day, 3/10 Women's Club Fashion Show, 3/11 DVBA Board Meeting, 3/12 RivCo Board of Supervisors Meeting, 3/14 DVBA General Membership Luncheon, 3/19 RivCo Board of Supervisors Meeting, 3/21 Principal for the Day, 3/21 DVBA Networking Night, 3/28 DVBA Meet & Greet Breakfast, 3/28 Senior Inspiration Awards.

Director Mayrhofen reported attending the following meetings and events: 3/12 DHS Planning Commission Meeting, 3/27 BIA Meet the Builder Round Robin, and 3/29 CVCAN Bowling Networking Event.

Director Duff reported attending the following meetings and events: 3/6 ACWA Groundwater Committee Meeting, 3/12 CVWD Board Meeting, 3/14 ACWA SGMA Implementation, 3/19 DWA Board Meeting, 3/25 CVAG ~ CVCC Meeting, 3/26 CVWD Board Meeting, and 3/27 San Geronio Pass Regional Water Alliance Meeting.

Vice President Griffith reported attending the following meetings and events: the 3/5 DWA Board Meeting, the 3/19-3/22 MSWD Federal Legislative Trip (D.C.), and the 3/28 Senior Inspiration Awards.

President Sewell reported he attended the following meetings and events: 3/19-3/22 MSWD Federal Legislative Trip (D.C.)

### **GENERAL MANAGER'S REPORT**

Included in this report are the following oral reports:

- A. Finance Report—Arturo Ceja noted that accounting is catching up from the audit and preparing the budget for next year.
- B. Public Affairs Report – Marion Champion presented a Public Affairs Update.

### **COMMENTS**

#### **DISTRICT COUNSEL COMMENTS**

The report was given on Thursday, and there was nothing to add.

#### **DIRECTOR COMMENTS**

Director Mayrhofen claimed not all his meetings and events are making it to the Directors report. He also asked for an update on the environmental issues related to the Critical Services Center. Lastly, he addressed the safety issues he sees on our current property.

Director Griffith noted that the issue of building repairs was previously before the Board, and they opted not to proceed with those repairs. He also noted that while in D.C., they met with Senator Padilla and discussed LIWAP coming to an end. Lastly, he noted the benefits of the District's visits to D.C.

President Sewell honored and congratulated Carol Morin on her retirement and benefit to the community.

### **ADJOURN**

With no further business, President Sewell adjourned the meeting at 5:19 PM

Respectfully submitted,

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Dori Petee  
Executive Assistant