



## BOARD OF DIRECTORS REGULAR MEETING MINUTES

Monday, November 20, 2023 at 3:00 PM

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

### CALL TO ORDER

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

### ROLL CALL

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

**STAFF MEMBERS PRESENT:** Brian Macy, Marion Champion, Arturo Ceja, Dori Petee, Alex Acevedo, Alex Cabrera, Andrea Varela, Chad Finch, Lee Boyer, Tim Ownes, Amanda Lucas, Eric Weck, David Weaver, Kurt Kettenacker, Danny Friend, Andy Grunnet, April Scott.

### PLEDGE OF ALLEGIANCE

Led by Vice President Sewell

### 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

*No public input*

### EMPLOYEE RECOGNITION

### HUMAN RESOURCES REPORT

The Board acknowledged the following employees:

#### NEW HIRES

Andrea Varela  
Arthur Cabrera

Associate Engineer  
Business Analyst

**ANNIVERSARIES**

Alex Acevedo	Lead Field Operations Technician	4 Years
David Weaver	Wastewater Treatment Plant Operator II	4 Years
Brian Macy	Interim General Manager	4 Years
Tim Owens	Water Production Operator II	5 Years
Andy Grunnet	Lead Wastewater Treatment Plant Operator	7 Years
April Scott	Customer Service Manager	7 Years
Dori Petee	Executive Assistant	7 Years
Jeff Nutter	Field Operations Superintendent	29 Years

**ACTION ITEMS****PUBLIC HEARING - ORDINANCE 2023-01 ~ AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE MISSION SPRINGS WATER DISTRICT (THE "DISTRICT"), ADOPTED PURSUANT TO THE PROVISIONS OF WATER CODE "20201 ET SEQ., PROVIDING FOR COMPENSATION OF DIRECTORS OF THE DISTRICT**

The Board voted to waive the reading and adopt Ordinance 2023-01 by title only, updating compensation for the Board of Directors pursuant to Water Code 20202 et seq.

President Martin opened the public hearing and general counsel gave a brief report. The Board will waive the reading today and move to adopt the Ordinance. This Ordinance will come back to the Board for a second "reading" in December. After a 60-day waiting period, from the date of final passage, this Ordinance will go into effect.

Marion Champion reviewed the prior compensation for the Board. They have not voted to raise their compensation since September of 2000.

Russell Betts made public comment. He noted the amount of work that goes into this position and stated it has been way to long since the Board has addressed their compensation. He was here to lend support on this issue and advised they should revisit this issue on a yearly basis.

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

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

Voting Nay: President Martin, Director Mayrhofen

**CONTRACT AGREEMENT WITH INTELESYS COMMUNICATIONS SERVICES FOR INFORMATION TECHNOLOGY PROFESSIONAL SERVICES**

The Board authorized the Interim General Manager to enter into a contract with Intelesys Communications Services for Information Technology (IT) Professional Services for the six-month period of January 1 – June 30, 2024, and approve to do all things necessary to execute the agreement.

Arturo Ceja introduced this item. He noted the IT Services contract needed attention and the current company currently serving the District is not meeting our needs. Representatives from Intelesys presented to the Board and gave a brief overview of their company and detailed what we can expect from them.

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

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

**PUBLIC WATER AND SEWER SYSTEMS CONSTRUCTION AGREEMENTS, WATER AND SEWER BONDING AGREEMENT, AND ACCEPTANCE OF THE FINAL TRACT MAP FOR TRACT NO. 38200 – RANCHO DESCANSO**

The Board approved the Public Water and Sewer Systems Construction Agreements, Water and Sewer Bonding Agreement and acceptance of the Final Tract Map for the Rancho Descanso - Tract No. 38200 residential development project (Project) and authorize the Interim General Manager to do all things necessary to complete the agreements.

Eric Weck presented to the Board on Thursday at the Study Session.

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

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

**ACCEPTANCE OF THE WATER SUPPLY ASSESSMENT AND WATER SUPPLY VERIFICATION FOR THE PALM SPRINGS FULFILLMENT CENTER**

The Board accepted and approved the Water Supply Assessment (WSA) and Water Supply Verification (WSV) for the Palm Springs Fulfillment Center (Project) located in the City of Palm Springs.

**Motion made by Vice President Sewell, Seconded by Director Mayrhofen.**

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

**DISCUSSION ITEMS****NANCY WRIGHT REGIONAL WATER RECLAMATION FACILITY UPDATE**

Terry Renner of TKE provided a construction update to the Board.

**CRITICAL SERVICES CENTER AND ADMINISTRATIVE UPDATE**

William Witten opened with a brief overview of this project. Alvin Flores of Ruhnau Clarke Architects continued by presenting the cost differential of two sites currently selected for this project.

**DISTRICT HOLIDAY SCHEDULE**

Discussion on the District's holiday schedule and possible closures. The Interim General Manager presented to the Board that the District Office will be closed the week between Christmas and New Year, but staff will still be in the office working. This will allow staff to take vacations without disrupting District business.

**CONSENT AGENDA**

*Consent agenda items are expected to be routine and non-controversial, to be acted upon by the Board at one time, without discussion. If a member would like an item to be handled separately, it will be removed from the Consent Agenda for separate action.*

Director Duff pulled the register of demands for discussion.

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

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

**APPROVAL OF MINUTES**

It is recommended to approve the minutes as follows:

October 5, 2023 - Continued Meeting/Public Hearing of September 18, 2023

October 5, 2023 - Strategic Planning Workshop

October 12, 2023 - Continued Meeting/Public Hearing of September 18, 2023

October 12, 2023 - Study Session

October 16, 2023 - Board Meeting

**REGISTER OF DEMANDS**

The register of demands totaling \$3,436,601.85

**REPORTS**

**DIRECTOR'S REPORTS**

Director Mayrhofen reported he attended the following events: 10/11 CVEP Economic Report, 10/17 PS State of the City, 10/18 BIA Networking Night, 10/19 DVBA Mixer, 10/10 Rancho Mirage Chamber Breakfast, 10/11 ACWA Webinar, 10/19 PSUSD State of the District, 10/25 GCVCC Cabot's Mixer

Director Duff reported she attended the following events: 10/11 CVEP Economic Report, 10/11 ACWA Webinar, 10/17 ACWA Webinar, 10/19 PSUSD State of the District.

Director Griffith reported he attended the following events: 10/3 DWA Board Meeting, 10/4 State Water Resources Control Board Meeting (Sacramento), 10/10 CVWD Board Meeting, 10/11 CVEP Economic Report, 10/17 DWA Board Meeting, 10/19 PSUSD State of the District, 10/24 CVWD Board Meeting, 10/25 GCVCC Cabot's Mixer.

President Martin reported he attended the following events: 10/3 DHS City Council Meeting, 10/11 CVEP Economic Report, 10/17 PS State of the City, 10/19 DVBA Mixer, 10/31 RivCo Board of Supervisors Meeting, 10/5 DVBA Legislative Meeting, 10/19 PSUSD State of the District, 10/23 Cabot's Board Meeting, 10/25 GCVCC Cabot's Mixer.

**GENERAL MANAGER'S REPORT**

Included in this report are the following oral reports:

- A. Financial Report
- B. Public Affairs Report

Arturo Ceja answered questions presented at last months Board Meeting. He then presented the financial report for the period ending October 31, 2023.

Marion Champion presented the Public Affairs Update.

## **COMMENTS**

### **DISTRICT COUNSEL COMMENTS**

### **DIRECTOR COMMENTS**

Director Mayrhofen expressed his disappointment in the new water bottles (cans).

Vice President Sewell congratulated Ms. Champion for her awards. He wished everyone a Happy Thanksgiving.

Director Griffith commented on the handout regarding the new water bottles (cans). He congratulated Ms. Champion for her awards as well. Lastly he announced the at Friday Nights On Pierson, the new AG Mart has a beer garden and they donate proceeds from each sale to a local non-profit.

Director Duff thanked the Veterans and all who served and wished everyone a Happy Thanksgiving. She reiterated that she expects errors to be caught by staff before items hit the Board packet.

## **CLOSED SESSION**

### **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 REGARDING POTENTIAL INITIATION OF LITIGATION**

pursuant to Government Code Section 54956.9(d)(4) One potential case.

### **CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION**

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

One Case: Case No. 2-18-mn-2873-RMG

(Aqueous Film-Forming Products Liability Litigation)

### **PUBLIC EMPLOYEE PERFORMANCE REVIEW**

Pursuant to Govt Code 54957

Title: Interim General Manager

### **REPORT ON ACTION TAKEN DURING CLOSED SESSION**

The Board met in closed session on the items listed above.

There was no reportable action on the following items:

Mission Springs Water District vs. Desert Water Agency

Conference with Legal Counsel Regarding Potential Initiation of Litigation

Public Employee Performance Review

There was reportable action on the following item:

Conference with Legal Counsel regarding Existing Litigation - Aqueous Film-Forming Products Liability Litigation - Motion to opt out of the class action lawsuit

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

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

**ADJOURN**

With no further business, President Martin adjourned the meeting at 7:00 PM

Respectfully submitted,

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Dori Petee  
Executive Assistant