



## BOARD OF DIRECTORS REGULAR MEETING MINUTES

Monday, September 16, 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, Kurt Kettenacker, Amanda Lucas, Andrea Varela, Eric Weck, Arthur Cabera, Oriana Hoffert, Will Whitten, Dori Petee

### PLEDGE OF ALLEGIANCE

Led by Director Martin

### 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 has 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

*This is the opportunity for members of the public to address the Board on matters within the Board's jurisdiction. **Please limit comments to three (3) minutes or less.** State law prohibits the Board from discussing or taking action on any item not listed on the agenda.*

### EMPLOYEE RECOGNITION

### HUMAN RESOURCES REPORT

The Board acknowledged the following employees:

**ANNIVERSARIES**

Joe Hernandez	Field Service Representative II/Backflow Specialist	17 Years
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**CERTIFICATIONS/EDUCATIONAL ACCOMPLISHMENTS**

Alex Nine	ASE Certification – Suspension and Steering Brakes
Josiah Perez	Water Distribution Grade 1 (D-1) certification

**ACTION ITEMS****PUBLIC HEARING ~ RESOLUTION 2024-23 ~ POWER PURCHASE AGREEMENT WITH TRIDENT MISSION SPRINGS LLC**

The Board adopted Resolution 2024-23 and authorized the General Manager to negotiate and execute a Power Purchase Agreement (PPA) and Solar Facility Lease Agreement with Trident Mission Springs LLC to design, build, and construct approximately 4 MW of renewable solar energy at seven MSWD sites.

President Sewell opened the public hearing and called for the secretary's report. General Manager Macy noted the agreements have been finalized and included within the agenda packet, updated from the Study Session. He noted that representatives from Bridge Renewables, Staten Solar & Kenwood Energy were here to field any questions from the board or public. Tim Holmes of Kenwood Energy presented the project. He presented the differences between the old project and the current project. Those differences include but are not limited to the following:

Kenwood Energy  
Energy Management Consulting Services

	This Project	Old Project
Project Type	Energy Purchase or Power Purchase Agreement (PPA)	Owner (w/ vendor maintenance)
Ownership	Third Party Vendor	MSWD
Project Funding	Third Party; MSWD purchase power used	MSWD Financing
Project Cost	\$0	\$17,817,000
Energy Budget	- ~\$300k/year	- ~ \$1.2M/year
Net Present Value (Savings)	\$13M – \$18M over 25 years	\$11M over 25 years*
O&M Responsible Party	Third Party Vendor	District
O&M Cost per Year	\$0.00	~\$300k per year
Impact to Bonding Capacity	None	Yes

\*Updated based on current rates

There was no public input on this item.

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

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

**ORDINANCE 2024-02 AND RESOLUTION 2024-24 ~ UPDATING AND AMENDING ADMINISTRATIVE CODE TITLES 1-3**

The Board adopted Ordinance 2024-02 and Resolution #2024-24, updating and amending titles 1, 2 and 3 of the District's Administrative Code.

Assistant General Manager Marion Champion presented. She noted the changes that have been applied have been discussed by the Board at previous meetings. A new copy of the Resolution has been provided.

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

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

**RESOLUTION 2024-25 ~ DESIGNATION OF MISSION SPRINGS WATER DISTRICT POSITIONS AUTHORIZED TO APPLY FOR FEDERAL DISASTER ASSISTANCE ON BEHALF OF THE DISTRICT**

The Board approved Resolution 2024-25, authorizing the following positions within Mission Springs Water District to apply for federal disaster assistance on behalf of the District: General Manager, Assistant General Manager, Director of Finance, Director of Operations.

A presentation was provided on Thursday; there is nothing further to add.

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

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

**RESOLUTION 2024-26 ~ AUTHORIZING THE GENERAL MANAGER TO SIGN AND EXECUTE AGREEMENTS AND NECESSARY SUPPORTING DOCUMENTS WITH THE ARMY CORPS OF ENGINEERS FOR THE GROUNDWATER QUALITY PROTECTION PROGRAM**

The Board adopted Resolution 2024-26 and authorized the General Manager to sign and execute agreements, and necessary supporting documents with the Army Corps of Engineers for the Groundwater Quality Protection Program.

Engineering Manager Eric Weck addressed questions raised at the Study Session.

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

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

**RESOLUTION 2024-27 ~ AMENDING CLASSIFICATION AND COMPENSATION PLANS FOR FY 2024-2025**

The Board adopted Resolution 2024-27 amending the Classification and Compensation plans for fiscal year 2024-2025.

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

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

**CALIFORNIA SPECIAL DISTRICTS ASSOCIATION (CSDA) 2025 COMMITTEE AND EXPERT TEAM PARTICIPATION**

It is recommended that Board Members or Management Staff consider serving on one or more of CSDA's standing committees.

No action is needed on this matter. Board members have been directed to send their interests to President Sewell.

**AWARD OF CONTRACT TO TKE ENGINEERING FOR AREA D-3 WATERLINE AND SERVICE REPLACEMENT DESIGN SERVICES**

The Board authorized the General Manager to negotiate and execute a contract with TKE Engineering, Inc., for a not to exceed amount of \$55,000.00 for design services for the Area D-3 Waterline and Service Replacement Project and create a new capital job to include design services costs for the Area D-3 Water line and Service Replacement Project; and include staff time for project management and plan review and ancillary costs in the amount of \$12,000 for a total of \$67,000.

There was a brief discussion amongst the Board regarding costs to the customer. The item above is related to design services only, there are no costs to the customer for this portion of the project.

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

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

**Voting Nay:** Director Mayrhofen

**AWARD OF CONTRACT TO TKE ENGINEERING FOR TEMPORARY STAFF AUGMENTATION**

It is recommended to authorize the General Manager to negotiate and execute a contract with TKE Engineering Inc., for a not to exceed amount of \$30,000.00 for engineering staff augmentation services.

General Manager Macy asserted this would only be for a short period of time while MSWD works to fill positions permanently. Mike Thorton, President of TKE, fielded questions from the Board.

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

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

**Voting Nay:** Director Duff, Director Mayrhofen

**PUBLIC WATER AND SEWER, LIFT STATION, AND FORCE MAIN SYSTEMS CONSTRUCTION AGREEMENTS AND WATER AND SEWER BONDING AGREEMENT FOR PROJECT VIENTO DEVELOPMENT**

The Board approved the Public Water and Sewer, Lift Station and Force main Systems Construction Agreements and the Water and Sewer Bonding Agreement for the Project Viento commercial development project and authorized the General Manager to do all things necessary to complete the agreements.

A presentation and staff report were given during the Study Session. There is nothing further to add.

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

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

**AUTHORIZATION FOR PURCHASE OF BOOSTER PUMP CONTROL VALVES FOR THE TERRACE BOOSTER STATION**

The Board authorized the General Manager to approve the purchase of six Cla-Val booster pump control valves for the Terrace Booster Station from Core & Main for a not to exceed amount of \$86,819.86.

A presentation and staff report were given during the Study Session. Danny Friend, director of Operations, answered a question raised at the Study Session regarding warranty.

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

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

**AUTHORIZATION FOR PURCHASE OF REPLACEMENT HEAVY EQUIPMENT AS APPROVED IN THE CAPITAL BUDGET**

The Board authorized the General Manager to approve the purchase of 2024 John Deere 210P skip loader heavy equipment from RDO Equipment Co., for a not to exceed amount of \$133,000.00, as approved in the FY2024-25 Capital Budget.

A presentation and staff report were given during the Study Session. There is nothing further to add.

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

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

**DISCUSSION ITEMS**

**NANCY WRIGHT REGIONAL WATER RECLAMATION FACILITY UPDATE**

Assistant General Manager Marion Champion shared details of the Ribbon Cutting Event.

**CRITICAL SERVICES CENTER AND ADMINISTRATION BUILDING UPDATE**

Alvin Flores of Ruhnau Clarke provided an update to the Board. The plans cleared the Planning Commission unanimously. The submittal process to other departments has begun.

**CONSENT AGENDA**

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

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

**Voting Nay:** Director Duff

**APPROVAL OF MINUTES**

It is recommended to approve the minutes as follows:

August 7, 2024 - Board Workshop

August 15, 2024 - Study Session

August 19, 2024 - Board Meeting

**REGISTER OF DEMANDS**

The register of demands totaling \$2,613,285.96

**ACCEPT AMENDMENT TO CONTRACT AGREEMENT WITH TIMMONS GROUP FOR THE COMPLETE DEPLOYMENT OF THE ARCGIS ENTERPRISE, UTILITY NETWORK, AND CITYWORKS.**

It is recommended that the Board accept and approve the Contract Amendment with Timmons Group for scope changes to the complete deployment of the ArcGIS Enterprise, Utility Network and Cityworks.

**BOARD COMPENSATION**

It is recommended to consider Board compensation for the following meetings and/or events:

**A.** Attendance and participation in the Nancy Wright Regional Water Reclamation Facility Ribbon Cutting, All Board members, September 27, 2024.

**B.** Additional night stay at Paradise Point Hotel for Urban Water Institute Board Meeting, Russ Martin only, August 20, 2024.

**C.** Attendance at Palm Springs Unified School District Legislative Breakfast, All Board members, October 1, 2024.

**REPORTS****DIRECTOR'S REPORTS**

Vice President Griffith reported attending the following meetings and events: 8/6 DWA Board Meeting, 8/20 DWA Board Meeting

Director Duff reported attending the following meetings and events: 8/8 ACWA Groundwater Committee Meeting, 8/13 CVWD Board Meeting, 8/20 ACWA Webinar, 8/21-8/23 UWI Conference, 8/27 CVWD Board Meeting

Director Martin reported attending the following meetings and events: 8/12 DVBA Board Meeting, 8/13 ACWA Region 9 Event, 8/21-8/23 UWI Conference, 8/28 DVBA Bowling Night

Director Mayrhofen reported attending the following meetings and events: 8/13 ACWA Region 9 Event, 8/13 DHS Planning Commission, 8/20 ACWA Webinar, 8/28 DVBA Bowling Night

President Sewell reported attending the following meetings and events: 8/21-8/23 UWI Conference

**GENERAL MANAGER'S REPORT**

Included in this report are the following oral reports:

A. Finance Report

B. Public Affairs Report

Marion Champion gave a Public Affairs Update.

## **COMMENTS**

### **DISTRICT COUNSEL COMMENTS**

The report was given on Thursday, no closed session today.

### **DIRECTOR COMMENTS**

- A. Director General Comments
- B. Director Requests for Future Agenda Items
- C. Director Requests for Future Meetings

Director Mayrhofen commented on the board's diverse backgrounds. He also highlighted that Board members do a lot of work they are not compensated for.

Director Duff complimented the previous Directors' comments.

Vice President Griffith noted it is Emergency Preparedness Month and encouraged attendance at the next MSWD Water Talks.

### **ADJOURN**

With no further business, President Sewell adjourned the meeting at 4:35 PM.

Respectfully submitted,

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Dori Petee  
Executive Assistant