



BOARD OF DIRECTORS REGULAR MEETING STUDY SESSION AGENDA

Thursday, October 14, 2021 at 3:00 PM
Via Teleconference – No Live Attendance

NOTICE IS HEREBY GIVEN MISSION SPRINGS WATER DISTRICT BOARD MEETINGS WILL BE CONDUCTED PURSUANT TO THE GOVERNOR'S EXECUTIVE ORDER N-29-20 AND CALIFORNIA'S ASSEMBLY BILL 361 IN AN EFFORT TO PROTECT THE PUBLIC HEALTH AND PREVENT THE SPREAD OF COVID-19 (CORONAVIRUS). THE PUBLIC MAY ATTEND AND PARTICIPATE TELEPHONICALLY AS THERE WILL BE NO PUBLIC LOCATION FOR ATTENDING IN PERSON. THE AUDIO/VIDEO RECORDING OF THESE MEETINGS MAY BE POSTED TO THE MSWD WEBPAGE FOLLOWING THE MEETING.

THE PUBLIC MAY SUBMIT ANY COMMENTS ADDRESSING ITEMS BELOW BY EMAILING <mailto:DPETEE@MSWD.ORG> PRIOR TO THE START OF THE MEETING OR GIVE REAL TIME COMMENTS BY ATTENDING THE MEETING VIRTUALLY OR TELEPHONICALLY.

JOIN ZOOM MEETING:

<https://us02web.zoom.us/j/8220655340?from=addon>

DIAL BY PHONE:

+1 (408) 638-0968

Meeting ID: 822 065 5340

ACTION MAY BE TAKEN ON ANY ITEM LISTED ON THIS AGENDA

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. RULES OF PROCEDURE

5. 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.*

6. COVID-19 UPDATE

EMPLOYEE RECOGNITION**7. HUMAN RESOURCES REPORT****ACTION ITEMS****8. RESOLUTION 2021-16 - A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MISSION SPRINGS WATER DISTRICT PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR GAVIN NEWSOM ON MARCH 4, 2020, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF MISSION SPRINGS WATER DISTRICT FOR THE PERIOD OCTOBER 18, 2021, THROUGH NOVEMBER 18, 2021, PURSUANT TO BROWN ACT PROVISIONS**

It is recommended to adopt Resolution 2021-16, ratifying the proclamation of a State of Emergency by Governor Gavin Newsom and authorize remote teleconference meetings of the legislative body of Mission Springs Water District, for the period October 18, 2021 through November 18, 2021.

9. FIRST AMENDMENT TO CONTRACT AGREEMENT WITH PAY NEAR ME

It is recommended to authorize the General Manager to amend the Payment Processing Agreement with PayNearMe Inc., and allow Mission Springs Water District to obtain Automated Clearing House (ACH), credit and debit card payments via the PayNearMe Platform, and authorize the General Manager to do all things necessary to complete the integration.

10. ACCEPTANCE OF GRANT OF EASEMENT DEED FOR PUBLIC WATER UTILITIES – DESERT WILLOWS PROPERTY OWNERS ASSOCIATION

It is recommended to authorize the General Manager to sign the Certificate of Acceptance, approving and accepting the Grant of Easement Deed from Desert Willows Property Owners Association dated September 30, 2021, for a public water utilities easement, located on APN: 663-405-024, 663-391-012, 663-405-025 on within the Desert Willows Community, City of Desert Hot Springs, CA.

11. AWARD OF CONTRACT FOR THE REGIONAL WATER RECLAMATION FACILITY PROJECT AND CAPITAL BUDGET AUGMENTATION

It is recommended to authorize the General Manager to award a contract for the construction of the Regional Water Reclamation Facility Project to J.F. Shea Construction, Inc., the lowest responsible bidder, in the amount of \$40,986,000.00 plus a 5% contingency of \$2,049,300.00 for a total of \$43,035,300.00, augment the capital improvement budget amount to \$51,000,000.00 for Job No. 11424, and to do all things necessary to complete the project.

DISCUSSION ITEMS**12. CRITICAL SERVICES CENTER AND ADMINISTRATION BUILDING UPDATE****13. BOARD DISCUSSION REGARDING THE PROCESS OF RE-DISTRICTING FOR DESERT WATER AGENCY (DWA)**

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.

14. APPROVAL OF MINUTES

It is recommended to approve the minutes as follows:

July 1, 2021 - Special Meeting Workshop
September 16, 2021 - Study Session
September 20, 2021 - Board Meeting

15. REGISTER OF DEMANDS

The register of demands totaling \$2,720,011.07

16. LETTER AGREEMENT TO TOLL ENFORCEMENT OF DEVELOPER'S OBLIGATION TO CONSTRUCT CERTAIN IMPROVEMENTS AS SET FORTH IN PARAGRAPH 5.1(B) OF THE SECOND AMENDMENT BETWEEN SKYBORNE VENTURES, LLC AND MISSION SPRINGS WATER DISTRICT UNTIL THE EARLIER OF (I) DECEMBER 15, 2021.

It is recommended to authorize the General Manager to execute the letter agreement to toll enforcement of developer's obligation to construct certain improvements as set forth in paragraph 5.1(b) of the Second Amendment between Skyborne Ventures, LLC and Mission Springs Water District until the earlier of (i) December 15, 2021 which will allow both parties to continue negotiations in formalizing a Third Amendment of an original agreement dated August 30, 2006 and recorded October 25, 2006 as Document No. 2006-0784841

DIRECTOR'S REPORTS**17. UPCOMING EVENTS AND DIRECTOR REPORTS****REPORTS****18. GENERAL MANAGER'S REPORT****19. DISTRICT COUNSEL COMMENTS****20. DIRECTOR COMMENTS****CLOSED SESSION****21. 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)

22. 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)

23. REPORT ON ACTION TAKEN DURING CLOSED SESSION

24. ADJOURN

If you need special assistance to participate in this meeting, please contact the Executive Assistant at (760) 660-4403 at least 48 working hours prior to the meeting.

ANY DISCLOSABLE PUBLIC RECORDS RELATED TO AN OPEN SESSION ITEM ON A REGULAR MEETING AGENDA AND DISTRIBUTED BY MISSION SPRINGS WATER DISTRICT TO ALL OR A MAJORITY OF THE BOARD OF DIRECTORS LESS THAN 72 HOURS PRIOR TO THAT MEETING ARE AVAILABLE FOR PUBLIC INSPECTION AT THE DISTRICT OFFICE, 66575 SECOND STREET, DESERT HOT SPRINGS, CALIFORNIA DURING NORMAL BUSINESS HOURS AND MAY ALSO BE AVAILABLE ON THE DISTRICT'S WEBSITE AT <https://www.mswd.org/board.aspx>. NOTE: THE PROCEEDINGS MAY BE AUDIO AND VIDEO RECORDED.

CERTIFICATION OF POSTING

I certify that on or before October 11, 2021, a copy of the foregoing notice was posted near the regular meeting place of the Board of Directors of Mission Springs Water District at least 72 hours in advance of the meeting (Government Code Section 54954.2).



Arden Wallum
Secretary of the Board of Directors