



## BOARD OF DIRECTORS REGULAR MEETING AGENDA

Monday, July 18, 2022 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 [DPETEE@MSWD.ORG](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

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### 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.*

### EMPLOYEE RECOGNITION

6. HUMAN RESOURCES REPORT

**ACTION ITEMS**

- 7. RESOLUTION 2022-17 - AMENDING RESOLUTION NO. 2021-18; REVISIONS TO MISSION SPRINGS WATER DISTRICT PERSONNEL RULES AND REGULATIONS**  
It is recommended to adopt Resolution No. 2022-17 providing for the revisions to Mission Springs Water District Personnel Rules and Regulations.
- 8. RESOLUTION 2022-18 - 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 JULY 23, 2022 – AUGUST 22, 2022, PURSUANT TO PROVISIONS OF THE RALPH M. BROWN ACT**  
It is recommended to approve Resolution 2022-18, continuing teleconferencing meetings for the period of July 23, 2022 - August 22, 2022.
- 9. RESOLUTION 2022-19 - CONFLICT OF INTEREST CODE UPDATE**  
It is recommended to adopt Resolution No. 2022-19 amending the Mission Springs Water District Conflict of Interest Code.
- 10. NORTH BUILDING IMPROVEMENT PROJECT AT THE HORTON WASTEWATER TREATMENT PLANT**  
It is recommended to authorize the General Manager to enter into the appropriate agreements for construction of the North Building Improvement Project at the Horton Wastewater Treatment Plant. This rehabilitation includes the construction and upgrades for two (2) bathrooms, kitchen, and office space for the Wastewater and Collections Departments. The agreements necessary to complete the rehabilitation are with Puro Clean for \$26,582.36 (roofing), Hi Desert Air for \$18,250.00 (air conditioning), Cove Electric for \$35,945.62 (electrical upgrades), and SW Plumbing for \$18,745.00 (plumbing).
- 11. FIRST AMENDMENT TO CONTRACT WITH RUHNAU CLARKE ARCHITECTS FOR THE DESIGN OF THE CRITICAL SERVICES CENTER/ADMINISTRATION BUILDING**  
It is recommended to authorize the General Manager to amend the professional services contract with Ruhnau Clarke Architects for the design of the Critical Services Center/Administration Building. The amendment would increase the contract amount \$788,764 from \$1,072,200 to a not to exceed amount of \$1,860,964 and authorize the General Manager to do all things necessary to complete the project.
- 12. RESOLUTION 2022-20 RECOMMENDING APPROVAL OF SKYBORNE DEVELOPMENT - ASSIGNMENT AND ASSUMPTION AGREEMENT**  
It is recommended to adopt Resolution No. 2022-20, recommending approval of an Assignment and Assumption of Public Water System Improvement and Water Service Connection Fee Credit/Reimbursement Agreement authorizing Skyborne Ventures, LLC to assign water connection fee credits to Lennar Homes of California as required by the Third Amendment to the Public Water System Improvement and Water Service Connection Fee Credit / Reimbursement Agreement for Tract No. 32030, and complete with all exhibits.

**13. ACCEPTANCE OF GRANT OF EASEMENT DEED FOR PUBIC WATER UTILITIES EASEMENT T.T. GROUP, INC., VINTAGE CAMPER RESORT**

It is recommended to authorize the General Manager to sign the Certificate of Acceptance, approving and accepting the Grant of Easement Deed from T.T. Group Inc., dated June 18, 2022, for a public water utilities easement, located on APN: 656-050-011, City of Desert Hot Springs.

**14. ACCEPTANCE OF THE HORTON WASTEWATER TREATMENT PLANT CHOPPER PUMP INSTALLATION BY VAUGHAN'S INDUSTRIAL REPAIR COMPANY, INC.**

It is recommended to accept the Horton Wastewater Treatment Plans Chopper Pump Installation as complete and authorize the release of retention money held for Vaughan's Industrial Repair Company, Inc., in the amount of \$1,979.41, thirty-five days after filing the Notice of Completion (NOC).

**15. APPROVE CHANGE ORDER NO. 1 WITH LEGEND PUMP AND WELL SERVICE, INC. FOR ON-CALL WELL AND BOOSTER MAINTENANCE AND REPAIR SERVICES**

It is recommended to authorize the General Manager to approve Change Order No. 1 with Legend Pump and Well Service, Inc. for On-Call Well and Booster Maintenance and Repair Services. The change order would increase the contract amount \$200,000 from \$150,000 to a not to exceed amount of \$350,000 and authorize the General Manager to do all things necessary to complete the project.

**16. PREPARATION OF APPLICATION TO LAFCO FOR THE PROPOSED ANNEXATION OF ASSESSOR'S PARCEL NUMBER 666-330-093 AND ASSESSOR'S PARCEL NUMBER 669-060-024, LOCATED ON GARNET AVENUE, IN THE CITY OF PALM SPRINGS IN THE GARNET HILL SPHERE OF INFLUENCE**

It is recommended to authorize staff to initiate the developer funded application to the Local Agency Formation Commission (LAFCO) for annexation of property described as Assessors Parcel Number 666-330-093 and Assessor's Parcel Number 669-060-024 in the City of Palm Springs within the Mission Springs Water District, Garnet Hill Sphere of Influence.

**17. RESOLUTION NO. 2022-21 - RESOLUTION OF THE BOARD OF DIRECTORS OF MISSION SPRINGS WATER DISTRICT, DIRECTING THE DISTRICT'S GENERAL COUNSEL TO PREPARE, SERVE AND FILE APPLICATION FOR LEAVE TO SUE AND COMPLAINT IN QUO WARRANTO ON BEHALF OF THE DISTRICT, BASED ON THE VERIFIED STATEMENT OF FACTS OF THE DISTRICT'S GENERAL MANAGER [STEVEN ALAN GRASHA]**

It is recommended that the Board consider and take action to approve Resolution No. 2022-21, a Resolution of the Board of Directors of Mission Springs Water District, Directing the District's General Counsel to Prepare, Serve and File Application for Leave to Sue and Complaint in Quo Warranto on Behalf of the District, Based on the Verified Statement of Facts of the District's General Manager [Steven Alan Grasha].

**18. ACCEPT RESIGNATION OF DIRECTOR DUNCAN AND DISCUSS APPOINTMENT PROCESS TO FILL VACANT SEAT**

**DISCUSSION ITEMS**

**19. MSWD REGIONAL WATER RECLAMATION FACILITY UPDATE**

**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.*

**20. APPROVAL OF MINUTES**

It is recommended to approve the minutes as follows:

June 1, 2022 - Special Meeting/Workshop

June 16, 2022 - Study Session

June 20, 2022- Board Meeting

**21. REGISTER OF DEMANDS**

The register of demands totaling \$3,604,639.24

**REPORTS****22. DIRECTOR'S REPORTS****23. GENERAL MANAGER'S REPORT**

**A. Finance Report**

**B. Public Affairs Report**

**CORRESPONDENCE****24. AUDITORS LETTER TO THE BOARD OF DIRECTORS****COMMENTS****25. DISTRICT COUNSEL COMMENTS****26. DIRECTOR COMMENTS****CLOSED SESSION****27. 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)

**28. 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)

29. **CONFERENCE WITH LEGAL COUNSEL REGARDING SIGNIFICANT EXPOSURE TO LITIGATION**  
pursuant to Government Code Section 54956.9(d)(2) and/or (3)  
(One potential case related to a threat of litigation by Coachillin Holdings, LLC)
30. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**  
potential initiation of litigation pursuant to Government Code 54956.9(d)(4)  
(two potential cases).
31. **ANNUAL PUBLIC EMPLOYEE PERFORMANCE EVALUATION**  
Pursuant to Government Code Section 54957  
Title: General Manager
32. **REPORT ON ACTION TAKEN DURING CLOSED SESSION**
33. **ADJOURN**

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*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.**

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#### CERTIFICATION OF POSTING

I certify that on or before July 15, 2022, 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).



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Arden Wallum  
Secretary of the Board of Directors