



## BOARD OF DIRECTORS REGULAR MEETING STUDY SESSION MINUTES

Thursday, July 14, 2022, at 3:00 PM

Via Teleconference – No Live Attendance

### CALL TO ORDER

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

### ROLL CALL

**BOARD MEMBERS PRESENT:** President Russ Martin, Vice President Nancy Wright, Director Randy Duncan, Director Ivan Sewell, Director Steve Grasha

**STAFF MEMBERS PRESENT:** April Scott, Amanda Lucas, Arturo Ceja, Danny Friend, Eric Weck, Jeannie Baver, Jeff Nutter, Michael Platt, Oriana Hoffert, Therese Murphy, Brian Macy, Arden Wallum, Kurt Kettenacker, Dori Petee

### PUBLIC INPUT

No public input.

### EMPLOYEE RECOGNITION

### HUMAN RESOURCES REPORT

This item will be acknowledged on Monday.

### ACTION ITEMS

#### **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.

Oriana Hoffert presented. She explained personnel rules and regulations are reviewed on a regular basis to ensure that the district is in full compliance with laws implemented by state and federal agencies. The last update occurred in December of 2021. The revised MSWD Personnel Rules and Regulations includes updates to existing policies to comply with the law or to clarify policy language. In addition, an education and certification incentive pay (Rule 39) was added to encourage and reward continuous learning for certifications and education which will better prepare MSWD's workforce to assist and serve the customer's needs. Ms. Hoffert noted some additional changes being made that will be reflected in Monday's packet.

President Martin asked for comments from the Board, Director Grasha did not have any comments regarding this item but did want to seek clarification on. He proceeded to announce the District received a letter from the DA's office, declaring Director Duncan's seat had been vacated. There was some back and forth between President Martin and Director Grasha at which time Director Grasha read the letter from the DA aloud. President Martin said he wanted to make two points. He said Director Duncan had

not been convicted of any offense, that these are just charges the DA looked at. Also, Director Grasha is facing a similar investigation from the Attorney General's office for a very similar offense. At this point the subject was dropped.

**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.

No discussion.

**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.

General Manager Wallum noted the changes stemmed from the results of the recent classification and compensation study. This update determines who files an annual Form 700.

**VARIOUS AGREEMENTS RELATED TO THE REHABILITATION OF HORTON WASTEWATER TREATMENT FACILITY, THE NORTH BUILDING**

It is recommended to authorize the General Manager to enter into the appropriate agreements to facilitate the rehabilitation of Horton Wastewater Treatment Facility, The North Building. 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).

Eric Weck presented the proposed upgrades and spoke to the potential outcome of this project. Director Grasha expressed concerns about the bid process. It was explained this process did go to bid, as a complete package, but there were no responses, therefore staff reached out to multiple vendors for the various scopes of work.

**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.

Assistant General Manager, Brian Macy, commented this project has evolved significantly since the first plan was brought to the Board last July. Representatives from Ruhnau Clarke presented the amendment to contract and also the changes to current plan/design.

**RESOLUTION 2022-20 RECOMMENDING APPROVAL OF SKYBORNE DEVELOPMENT - PARTIAL ASSIGNMENT AND ASSUMPTION AGREEMENT**

It is recommended to adopt Resolution No. 2022-20, recommending approval of a Partial 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 Gallery Skyborne Partners, LLC 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.

Assistant General Manager, Brian Macy, addressed some key points and amendments prior to the discussion on this agreement. The Agreement provides that Skyborne Ventures, LLC, is entitled to fee credits against water connection fees based on expenditures made by the developer for certain water infrastructure. Skyborne Ventures, LLC has transferred 108 lots in the project to Lennar Homes of California, LLC and wishes to transfer all its existing water connection fee credits, associated with the 108 lots, in the amount of \$470,124.00 to Lennar Homes of California, LLC, as permitted by the Agreement with the consent of the District.

**DISCUSSION ITEMS****MSWD REGIONAL WATER RECLAMATION FACILITY UPDATE**

Steve Ledbetter presented a slide show and time-lapse video that captures the progress being made on construction. He also presented an update on plan checks and bid packages.

**CRITICAL SERVICES CENTER AND ADMINISTRATION BUILDING UPDATE**

This update took place during the contract amendment discussion.

**CONSENT AGENDA****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

**REGISTER OF DEMANDS**

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

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

Directors will give their reports on Monday

**GENERAL MANAGER'S REPORT**

Mr. Wallum announced there will be four additional items appearing on Monday's agenda. They are mostly procedural but are time sensitive.

**COMMENTS****DISTRICT COUNSEL COMMENTS**

Visiting Counsel, Peg Battersby, addressed the comments made by Director Grasha at the beginning of the meeting. She noted her office (SBEMP) has been in contact with the District Attorney's Office and reminded the Board of the action they took at the last meeting. She read the motion aloud:

***There was a motion in favor of filing a motion to initiate Quo Warranto proceedings on behalf of the District with respect to Director Duncan and Director Grasha, to determine whether they satisfy residency requirements within the division that elected them.*** She continued by advising, General Counsel has moved forward with preparing those documents and they will be brought forward to the Board at Monday's meeting. She continued by expressing the DA's office is aware of the process that is being followed, and by State Law, it is the exclusive process for determining the qualifications of elected officers to their positions.

**DIRECTOR COMMENTS**

Director Grasha declined to make comment

Director Sewell declined to make comment

Vice President Wright made comment on the CAMP Investments interest rate.

Director Duncan made the announcement that he will be vacating his seat effective August 16, 2022. He has found a home to purchase, unfortunately it is out of his division. He welcomed the Board to continue verifying his current address and insisted he is residing within his division.

**ADJOURN**

With no further action, President Martin adjourned the meeting at 4:07 PM

Respectfully,



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Arden Wallum

Secretary of the Board of Directors