



# BOARD OF DIRECTORS REGULAR MEETING MINUTES

Monday, March 18, 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 P.M.

## PLEDGE OF ALLEGIANCE

Director Martin led the pledge. A moment of silence was offered for Brian Nestande, California State Assemblyman, who passed suddenly on March 6, 2024.

## 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, Kurt Kettenacker, Arturo Ceja, Danny Friend, Eric Weck, Oriana Hoffert, Amanda Lucas, Ana Murillo, Arthur Cabrera, William Whitten, Andrea Varela, Chad Finch, Theresa Murphy, Rachel Pust, Carol Morin, Dori Petee

## 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 briefly acknowledged the following employees:

### ANNIVERSARIES

Chad Finch	Water Production Supervisor	2 Years
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Ana Murillo	Accounting Technician	2 years
Theresa Murphy	Engineering Technician II	16 Years
Carol Morin	Office Specialist II	22 Years
Mark Vermeer	WWTP Operator I	23 Years

### ACTION ITEMS

#### **PUBLIC HEARING ~ ORDINANCE 2024-01 ~ ESTABLISHING RULES AND REGULATIONS FOR SEWER SERVICE**

The Board conducted the public hearing and adopted Ordinance 2024-01, amending Ordinance 2008-2, establishing the rules and regulations for sewer service, Article VI Industrial Discharges.

President Sewell opened the Public Hearing and directed the Secretary to read out her report.

Eric Weck delivered the staff report and President Sewell called for Public Comment.

**Matt Renard with NV5 and Between the Springs** commented on the TDS limitation changes and noted that holding the industrial connections to an absolute limit of the discharge permit does not account for the dilution of the lower sources. Industrial connections will be higher than other sources. He also noted the language in 6.03 is prescriptively prohibitive.

**Kenny Dickerson with Between the Springs:** 160 acres thought to be in MSWD service territory, now believes they are in DWA territory. He is asking for help from the Board and Staff with this entire document stating when the Board approved the Coachillin Plan; we took certain considerations by allowing them to mix waste (cannabis waste and domestic waste) and still meet whatever standard MSWD ultimately sets. He would like to meet with staff to develop logical solutions to meet the TDS standards that MSWD sets. Mr. Dickerson noted outstanding issues that still need to be addressed by staff.

President Sewell declared the Public Hearing closed.

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

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

#### **MISSION SPRINGS WATER DISTRICT 2024 STRATEGIC PLAN ADOPTION**

The Board adopted the 2024 Strategic Plan.

Marion noted the changes that came out of the Study Session on Thursday.

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

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

#### **CONTRACT AMENDMENTS FOR CONSTRUCTION AND CONSTRUCTION SUPPORT AND INSPECTION SERVICES FOR THE WELL 42 PROJECT**

The Board authorized the General Manager to execute contract amendments with AECOM Technical Services Inc., EnviroLogic Resources Inc., and TKE Engineering Inc., for additional engineering services

during construction and with Rollapart Buildings Inc. for additional construction support and inspection services during the construction of the Well 42 Project in the amount of \$113,605.00.

Nothing further to add.

**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

**ACCEPT ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR YEAR ENDED JUNE 30, 2023**

The Board reviewed and accepted the annual comprehensive financial report as presented by Rogers, Anderson, Malody & Scott, LLP.

Gardenya Duran of RAMS presented the report to the Board. She reviewed the audit objectives, interim audit work, year-end audit field work, and auditor responsibilities. She followed this with the auditor's results of an unmodified opinion, which is the highest-level opinion they can issue. The report did not identify any deficiencies in the internal control over financial reporting that they consider to be material weaknesses or significant deficiencies, and no instances of noncompliance or other matters that are required to be reported. She addressed other key issues of unfunded pension liability and the regional grant the District received.

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

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

**NOTICE OF ACCEPTANCE OF THE SUPPLEMENTAL ENVIRONMENTAL PROJECT**

The Board accepted the Supplemental Environmental Project as complete and authorized the release of retention money held for R.E. Chaffee Construction, Inc., in the amount of \$19,843.85, thirty-five days after filing the Notice of Completion (NOC).

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

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

A presentation on this item was given at the Study Session. Nothing further to add.

**QUITCLAIM EXISTING PUBLIC UTILITY EASEMENTS ON ADJACENT PROPERTIES APN 642-192-019 AND 642-192-020**

The Board authorized the General Manager to take the necessary actions to record a permanent quitclaim of the portions of the utility easements not in use by Mission Springs Water District for residential construction on real properties in the City of Desert Hot Springs, APN 642-192-019 and 642-192-020.

A presentation on this item was given at the Study Session. Nothing further to add.

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

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

**DISCUSSION ITEMS**

**NANCY WRIGHT REGIONAL WATER RECLAMATION FACILITY UPDATE**

Nothing further to add.

**CRITICAL SERVICES CENTER AND ADMINISTRATIVE BUILDING UPDATE**

Nothing further to add.

**CONSENT AGENDA**

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

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

**APPROVAL OF MINUTES**

It is recommended to approve the minutes as follows:

February 13, 2024 - Special Meeting Workshop Minutes

February 15, 2024 - Study Session Minutes

February 20, 2024 - Board Meeting Minutes

**REGISTER OF DEMANDS**

The register of demands totaling \$2,544,544.45

**REPORTS**

**DIRECTOR'S REPORTS**

Director Martin reported attending the following meetings and events: 2/1 DVBA Legislative Meeting, 2/1 BIA Networking Night, 2/4-2/7 CSDA Leadership Academy, 2/8 DVBA General Membership Luncheon, 2/10 PS Air Museum Fundraising Gala, 2/12 DVBA Board Meeting, and 2/21-2/23 Urban Water Institute Conference.

Director Mayrhofen reported attending the following meetings and events: 2/1 BIA Member Reception, 2/8 BIA Networking Night, 2/21-2/23 Urban Water Institute Conference.

Director Duff reported attending the following meetings and events: 2/2 CVAG ~CVCC Orientation, 2/8 CVAG~CVCC and Energy & Sustainability Meetings, 2/8 ACWA Groundwater Committee Meeting, 2/13 CVWD Board Meeting, 2/20 ACWA Groundwater Committee Meeting, 2/27 CVWD Board Meeting, 2/26-2/29 ACWA D.C. Conference.

Vice President Griffith reported attending the following meetings and events: 2/6 DWA Board Meeting, 2/26-2/29 ACWA D.C. Conference.

President Sewell reported attending the following meetings and events: 2/4-2/7 CSDA Leadership Academy, 2/21 GCVCC Evening Mixer.

**GENERAL MANAGER'S REPORT**

Included in this report are the following oral reports:

**A. Organizational Update**

This report was given on Thursday.

**B. Finance Report**

Arturo Ceja noted that the presented audit report will replace the current financial report.

**C. Public Affairs Report**

Marion Champion presented a Public Affairs update.

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

General Counsel announced a closed session.

**DIRECTOR COMMENTS**

Director Duff congratulated Jan Pye for her recent award for Most Influential Woman in Riverside County.

Vice President Griffith mentioned the legislative trips to D.C. and Sacramento and noted that the 2024 budget had passed when they returned. He announced a future trip that will focus on asks for 2025. He thanked Director Martin & President Sewell for attending the CSDA Leadership Conference and encouraged Director Mayrhofen to participate in April. Attendance at this event will help the District secure a Certificate in Special District Governance.

Director Martin announced the memorial services for Brian Nestande.

Director Mayrhofen noted that he will be taking the CSDA Leadership training online. He also mentioned that he had somehow been assigned to ACWA's Agricultural Committee and would like to be removed. Lastly, he commented on our demonstration garden and noted that there are no picnic tables for employees to enjoy in the area.

President Sewell congratulated Marion Champion on her promotion.

**CLOSED SESSION****CONFERENCE WITH LEGAL COUNSEL REGARDING ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION**

Pursuant to Government Code Section 54956.9(d)(2) One potential case.

**CONFERENCE WITH LEGAL COUNSEL REGARDING PENDING LITIGATION**

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

One Case: Mission Springs Water District vs. Desert Water Agency et al. D081984  
Riverside County Super. Ct. No. PSC1600676

**REPORT ON ACTION TAKEN DURING CLOSED SESSION**

The Board met in closed session on the following item CONFERENCE WITH LEGAL COUNSEL REGARDING PENDING LITIGATION pursuant to Government Code Section 54956.9(d)(1)  
One Case: Mission Springs Water District vs. Desert Water Agency et al. D081984  
Riverside County Super. Ct. No. PSC1600676

There was no reportable action taken.

**ADJOURN**

With no further business, President Sewell adjourned the meeting at 5:40 PM.

Respectfully submitted,



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Dori Petee  
Executive Assistant