



## BOARD OF DIRECTORS REGULAR MEETING MINUTES

Monday, May 15, 2023 at 3:00 PM

66575 Second St, Desert Hot Springs, CA AND/OR Via Teleconference

### CALL TO ORDER

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

### PLEDGE OF ALLEGIANCE

Led by President Martin

### ROLL CALL

**BOARD MEMBERS PRESENT:** Director Ted Mayrhofer, Director Amber Duff, Director Robert Griffith, Vice President Ivan Sewell, President Russ Martin

**STAFF MEMBERS PRESENT:** Marion Champion, Carol Morin, Jeff Nutter, Eric Weck, Arturo Ceja, Oriana Hoffert, April Scott, Amanda Lucas, Ann Rogers, Theresa Murphy, Mike Platt, Chad Finch, Rita Huber, Kurt Kettenacker, Brian Macy, 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 upon 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

Philip Bettencourt addressed the Board and spoke on the status of water facilities planning for his four (4) originally owned properties on Worsley Rd. just south of Dillon Rd. in unincorporated north Palm Springs.

### EMPLOYEE RECOGNITION

### HUMAN RESOURCES REPORT

The Board acknowledged the following employees:

**NEW HIRES**

Charles Bell Water Production Operator I

**ANNIVERSARIES**

Jason Weekley	Lead Field Operations Technician	3 Years
Ann Rogers	Customer Service Representative II	7 Years
Robert Lopez	Purchasing and Warehouse Specialist	17 Years
David Pena	Field Service Representative II	18 Years
Nancy Mezquita	Senior Customer Service Representative	31 Years

**PROMOTIONS**

Alex Nine Lead Fleet & Facilities Maintenance Worker  
(previously Field Operations Technician II)

**ACTION ITEMS****PUBLIC AFFAIRS COMMITTEE REPORT & RECOMMENDATION FOR ACTION**

The Board considered recommendations from the Public Affairs Committee and voted to deny this action and any further action or billing adjustments for 66249 Avenida Barona.

Arturo Ceja reviewed the details of this account with the Board. Currently staff has exhausted all options in working with this customer.

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

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

**HUMAN RELATIONS COMMITTEE REPORT & RECOMENDATION FOR ACTION**

The Board considered the Human Relations Committee's recommendations and directed the Director of Finance to implement action items as part of the annual budget process. The COLA increase and Bilingual pay were approved by the Board. The Medical Stipend failed for lack of support.

Oriana Hoffert made a brief presentation to the Board and reviewed the steps taken at the Human Relations Committee Meeting.

**COLA increase & Bilingual pay only****Motion made by Director Duff, Seconded by Vice President Sewell.**

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

**Medical Stipend****Motion made by President Martin, Seconded by Director Mayrhofen.**

**Voting Yea:** President Martin, Director Mayrhofen

**Voting Nay:** Vice President Sewell, Director Griffith, Director Duff



**RESOLUTION 2023-08 - NOMINATION OF CANDIDATE FOR ELECTION TO ACWA REGION 9 BOARD OF DIRECTORS**

The Board adopted Resolution 2023-08 and nominated Director Amber Duff for Board Member of ACWA Region 9.

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

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

**Voting Abstaining:** Director Mayrhofen

**PROPOSED ADOPTION OF MSWD SOCIAL MEDIA POLICY NO. 2023-01**

It is recommended to adopt the MSWD Social Media Policy No. 2023-01

This item was pulled as additional information is forthcoming.

**AWARD OF PROFESSIONAL HYDROLOGIC SUPPORT SERVICES CONTRACT FOR WELL 35 TO KYLE GROUNDWATER, INC.**

The Board approved the scope of work and agreement and authorized the General Manager to execute an agreement with Kyle Groundwater, Inc., in the not-to-exceed amount of \$64,801 for hydrologic consulting services at Well 35.

Eric Weck, Engineering manager, presented to the Board. Through a competitive bidding process, the staff selected Kyle Groundwater, Inc. for hydrogeologic services, specifically, for a well rehabilitation prioritization study. After the completion of that task order, several District wells require immediate attention, and in 2007, Well 35 was constructed as part of the Skyborne housing development. At that time, the well was used for construction water, and has not been fully prepared to deliver potable water. As part of the original agreement and following amendments between MSWD and Skyborne Development, the Skyborne Development was required to bring Well 35 into service. Through Amendment #3, the District received \$2.7 million and assumed responsibility of bringing the well into service.

**Motion made by Vice President Sewell, Seconded by Director Mayrhofen.**

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

**AWARD OF CONTRACT WITH ECOLOGY AUTO PARTS INC. FOR HAULING OF SUB-CLASS "B" BIO-SOLIDS, GRIT, AND SCREENING OFF-SITE**

The Board authorized the General Manager to execute a 3-year contract for a not to exceed amount of \$440,000 per year, with the option to extend the contract for three (3) one-year terms to Ecology Auto Parts Inc. for the hauling of Sub-Class "B" bio-solids, grit, and screening off-site for landfill or beneficial reuse and authorized the General Manager to do all things necessary to complete the project.

Brian Macy presented to the Board. During the MSWD Board Meeting held on February 20, 2023, MSWD awarded a contract to Denali Water Solutions LLC. for hauling services. After the award, Denali Water Solutions, LLC requested changes to the contract language which MSWD did not accept; therefore, MSWD began contract negotiations with the second bidder, Ecology. The negotiated contract with Ecology is attached to the meeting packet.



Public Comment was provided by Dave Vaughn of Denali Water. He noted that Denali was in negotiations with the District when communication stopped. He also noted Denali was pleased to be at the District's service temporarily and hopes to provide further support in the future.

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

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

**CONTRACT AMENDMENT WITH AECOM TECHNICAL SERVICES, INC. FOR THE ENGINEERING SERVICES DURING CONSTRUCTION OF THE REGIONAL WATER RECLAMATION FACILITY PROJECT**

The Board authorized the General Manager to execute a contract amendment with AECOM Technical Services, Inc. for additional engineering services during construction of the Regional Water Reclamation Facility Project in the amount of \$378,774.00, for a total contract amount not to exceed \$841,822.

Eric Weck presented to the Board. During the current construction of the Regional Water Reclamation Facilities (RWRf) Project, having supportive technical engineering services are a vital component in delivering a successful capital improvement project and expanding the District's wastewater treatment capacity. AECOM Technical Services, Inc. is the Engineer of Record for the RWRf Project design. During the remainder of the construction phase, staff and the construction management team will need continued technical support from the Engineer of Record. In May 2022, the Board authorized a contract with AECOM for engineering services during construction which included five of their proposed nine tasks (i.e., Tasks 1 thru 5). This agenda item pertains to a requested amendment allowing AECOM to complete their remaining tasks (i.e., Tasks 6 thru 9) through the completion of construction, including but not limited to preparing a plant-wide operations and maintenance manual, assisting with operator training, coordinating startup and commissioning, project closeout, and related duties.

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

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

**PURCHASE THREE PORTABLE GENERATORS FOR EMERGENCY OPERATIONS**

The Board authorized the General Manager to purchase three portable generators (2-275 kw and 1-200 kw) from Cummins for \$530,000 which includes transportation, delivery, training, cables, and other associated costs.

Brian Macy presented to the Board. Since late 2018, Operations staff has been conducting an internal review of the department's operational standards, procedures, maintenance practices and more importantly system/equipment inadequacies. In early 2019, staff completed the District's Emergency Response Plan. In 2021, staff completed the District's Vulnerability Assessment which further evaluated the District's water operations and led to the Operations Assessment – Permanent and Portable Generators memorandum, dated December 8, 2021 (see Attachment 1), which provided recommendations of both permanent and portable generators.

As the development of Well 42 has been delayed due to pump and electrical manufacturing issues, Well 24 continues to be a critical pumping connection to both the 1240 and 1400 pressure zones. Well 24 with a 600 hp motor will require 2-275 kW generators at startup, therefore, District staff is recommending the purchase of 2-275 kW and 1-200 kw portable generators.

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

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

**Voting Nay:** Director Mayrhofen

## DISCUSSION ITEMS

### NANCY WRIGHT REGIONAL WATER RECLAMATION FACILITY UPDATE

Steve Ledbetter of TKE provided a construction and State Water Resource Control Board Funding update.

### CRITICAL SERVICES CENTER AND ADMINISTRATION BUILDING UPDATE

Brian Macy presented a brief update to the Board.

## CONSENT AGENDA

The register of demands was pulled for discussion. The Board took two separate actions to approve the minutes and the register of demands.

### APPROVAL OF MINUTES

It is recommended to approve the minutes as follows:

April 13, 2023 - Study Session

April 17, 2023 - Board Meeting

April 20, 2023 - Human Relations Committee Meeting

May 3, 2023 - Public Affairs Committee Meeting

### Minutes only

**Motion made by Vice President Sewell, Seconded by Director Mayrhofen.**

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

### REGISTER OF DEMANDS

The register of demands totaling \$1,386,187.19

### Register of Demands

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

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



## REPORTS

### DIRECTOR'S REPORTS

Director Griffith reported he attended the following events: 4/4 DWA Board Meeting, 4/11 CVWD Board Meeting, 4/18 DWA Board Meeting, 4/19 CWEA Awards Luncheon, 4/24-4/27 Legislative Trip – Washington D.C., 4/20 Rotary Big Heart Awards

Director Mayrhofen reported he attended the following events: 4/4 CSDA Webinar, 4/6 BIA Government Affairs Luncheon, 4/13 DVBA General Membership Luncheon, 4/21 BIA Luncheon, 4/27 DVBA Networking Night, 4/22 Cabot's Earth Day Celebration and City Celebration Block Party.

Director Duff reported she attended the following events: 4/4 CSDA Webinar, 4/6 BIA Government Affairs Luncheon, 4/11 DHS Planning Commission, 4/19 CWEA Awards Luncheon, 4/21 BIA Luncheon

President Martin reported he attended the following events: 4/4 DHS City Council Meeting, 4/6 DVBA Legislative Meeting, 4/8 CORBS Dinner & Awards, 4/13 CVAG ~ CVSS and E&E Meetings, 4/15 Women's Club BBQ, 4/19 CWEA Awards Luncheon, 4/20 Rotary Big Heart Awards, 4/21 BIA Luncheon, 4/26 Tribal Water Authority Meeting, 4/22 Cabot's Earth Day Celebration, 4/27 DVBA Networking Night

Vice President Sewell reported he attended the following events: 4/24-4/27 Legislative Trip – Washington D.C.

### GENERAL MANAGER'S REPORT

Included in this report are the following oral reports:

- A. Financial Report
- B. Public Affairs Update

Arturo Ceja presented the financial report for the period ending April 30, 2023

Marion Champion presented the Public Affairs Update.

## COMMENTS

### DISTRICT COUNSEL COMMENTS

Mr. Pinkney announced closed session

### DIRECTOR COMMENTS

Director Mayrhofen asked that regarding the Social Media Policy that was pulled from today's meeting, when it's reintroduced to please separate what applies to the Board from what applies to employees. He also commented on the access to the Plant Bids and asked if it was updated for public use. Lastly, he requested a tour of the Desert Crest Plant and other areas within the District.

Vice President Sewell commented on some items that were discussed today and noted that if there is staff giving their input on items in front of the Board for approval, please have that staff member here to field questions if there are any. He also thanked the Board for their questions and input on items that he may not have thought of at the time.

Director Griffith noted he was impressed with our legislative representation in Washington.

Director Duff made a comment on copper wire theft within the District and made a plea with City Officials to work with us on these matters. She inquired if this should be escalated above just the City police.

**CLOSED SESSION**

**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)

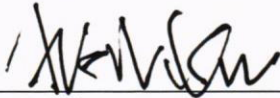
**REPORT ON ACTION TAKEN DURING CLOSED SESSION**

The Board met in closed session on the item listed above, there was no reportable action taken.

**ADJOURN**

With no further business, President Martin adjourned the meeting at 6:40 PM.

Respectfully,



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Arden Wallum

Secretary of the Board of Directors