

**VALLEY SANITARY DISTRICT
MINUTES OF REGULAR BOARD MEETING
October 8, 2019**

A regular Board Meeting of the Governing Board of Valley Sanitary District (VSD) was held at the District offices, 45-500 Van Buren Street, Indio, California, on Tuesday, October 8, 2019.

1. CALL TO ORDER

President Mike Duran called the meeting to order at 1:00 p.m.

a. Roll Call

Directors Present: Mike Duran, William Teague, Dennis Coleman, Debra Canero and Scott Sear

Staff Present: Beverli A. Marshall, General Manager, Holly Gould, Ron Buchwald, Joanne Padgham, Ian Wilson

Guests: Craig Hayes, Best Best & Krieger

b. Pledge of Allegiance

2. PUBLIC COMMENT

This is the time set aside for public comment on any item not appearing on the agenda. Please notify the Secretary in advance of the meeting if you wish to speak on a non-hearing item.

None.

3. CONSENT CALENDAR

a. Consideration of the September 24, 2019 Regular Board Meeting Minutes

b. Approval of Expenditures for September 19, 2019 to October 2, 2019

ACTION TAKEN:

MOTION: Secretary Coleman made a motion to approve the consent calendar as presented. Vice President Teague seconded the motion. Motion carried by the following vote: 5 ayes

MINUTE ORDER NO. 2019-2948

4. NON-HEARING ITEMS

f. Staff Update

It was requested that item 4f be moved up on the agenda to accommodate the staff's time. Ian Wilson, Plant Operations Manager, gave an update of the treatment and maintenance departments. He stated that efforts to minimize the ammonia content are proving successful. He

explained that they are using the plant's own biology to minimize the ammonia content by adjusting the MCRT (Mean Cell Retention Time). The secondary clarifier #1 is being taken offline due to damage to the coating. Secondary clarifier #2 will be put online while the coating is repaired. Staff is also performing maintenance on the gas compressor that feeds gas to the boiler system to help maintain the temperature in the digester during the cooler months. Staff is also working with Trimax on the Influent PLC replacement and will be starting the floating dredge pipe project soon. Ian stated that the NPDES permit renewal has been submitted and stated that having a consultant help in the renewal process has been a great asset. Ian has applied for several awards for the upcoming CORBS Awards Dinner including Operator of the Year, Laboratory Person of the Year, and Plant of the Year.

Joanne Padgham, Administration and Finance Manager, gave an update on the administration department. She stated that the District's audit is complete, and the auditors will be issuing an unqualified opinion. Staff has been working on the CAFR (Comprehensive Annual Financial Report) for submittal. A dedication has been included in the CAFR in honor of Merritt Wiseman. Staff has been working together with Caselle on the implantation of the new accounting and permitting system. It is due to go live next year. The annual and quarterly billings have gone out and the tax roll submission is complete. The District has hired three new employees recently, one laboratory technician and two collection system maintenance technicians.

Ron Buchwald, Engineering Services Manager, reported that the Downtown Rehabilitation Project is moving forward. Staff is putting together a project of sewer lining of mains and manholes as a way of being less inconvenient to the public. They are also working on a design packet to go out for bid to CCTV the larger sewer mains that cannot be done inhouse. Harris and Associates will be providing an update in the next few months. The Westward Ho Sewer Siphon Repair is in Carollo's hands and they are moving forward with the scour analysis. The Arc Flash Study is complete, and staff has received the final report. Two-thirds of the study's recommendations can be done inhouse but some of the larger items will have to be contracted out. Staff has been working very hard on the Asset Management Program for the Treatment Plant. The walk of the plant is complete, and all items have been input into a spreadsheet that will be sent to Carollo for review. Ron stated that the influent pump station is probably the most critical repair now and staff is working with Stantec on a design-build project.

Ms. Marshall reported to the Board the dates for the Strategic Planning workshops are November 8, 2019 (8 hours) and December 4, 2019 (4 hours). She stated that these will be held offsite, and she will do a press release for the public. The District has submitted for Transparency Certification from the Special District Leadership Foundation. Ms. Marshall has emailed the Directors the Staffing Analysis that she will bring forward at a future meeting. She informed the Board that she has been updating the District's Facebook page. Ms. Marshall has been in contact with Linda York at the Wild Bird Center to partner on some outreach projects. She also met with Coachella Valley Waterkeeper, a new organization focusing on outreach and education for elementary, middle, and high school students. President Duran stated that he would like them to attend a meeting and give a presentation. Ms. Marshall informed the Board that the EVRA meeting is scheduled for Monday, October 28, 2019 at 3:00 p.m.

- a. Authorize District Issued Cell Phone for Directors

The Public Records Act requires that all forms of district-related business communications be made available to the public if requested. If directors use their personal cell phones to conduct

district business, it could subject all communications, personal and business-related on that device to public records requests. Mr. Hayes, District Counsel, stated that it is best practice to use a separate district issued cell phone to conduct district business.

ACTION TAKEN:

MOTION: Director Sear made a motion to provide cell phones to directors and to pay for the costs associated with the district-issued devices. Secretary Coleman seconded the motion. Motion carried by the following roll call vote:

MINUTE ORDER NO. 2019-2949

AYES: Canero, Coleman, Duran, Sear, Teague
NOES: None
ABSENT: None
ABSTAIN: None

- b. Discuss Process for Transition to Election of Directors by Wards and Provide Direction to Staff

The California Voting Rights Act (CVRA) was enacted in 2001 to address disparities between ethnic demographics and elected officials. The CVRA prohibits special districts like VSD from using the “at-large” method of election that may impair the ability of a protected class from electing candidates of its choice or influencing the outcome of an election to their benefit. The City of Indio hired a consultant, the National Demographics Corporation, to determine if ward-based elections were warranted. The analysis identified key issues with regards to the Latino community and its representation within the City. Based on that analysis, and subsequent public input, the City adopted an ordinance in 2017 to move to district-based elections. To date, over 300 cities and special districts have changed to district-based elections. Typically, plaintiffs send a written notice (demand letter) before filing a lawsuit. There is a 45-day waiting period in which the receiving agency must adopt a resolution rather than going to court. If the agency chooses to go to court, there is a high likelihood that the plaintiffs would prevail and would have to pay the plaintiffs legal fees up to \$30,000. Rather than waiting to receive such a complaint, staff recommends that VSD voluntarily convert to ward-based elections. If initiated immediately, VSD could complete the process, including adopting the map and wards, for the November 2020 general election. It was the consensus of the Board to move forward with the conversion of the ward-based elections. Ms. Marshall stated that she will work with counsel to prepare a resolution that she will bring back before the board.

- c. Adopt the Second Monday of October as Indigenous People’s Day as an Officially Recognized Valley Sanitary District Holiday

Ms. Marshall explained that the District observes 10 holidays compared to 11 observed by other comparable agencies in the area. In addition to the observed holidays, other comparable agencies in the area provide an average of two floating holidays, which the District does not offer. By adding this one additional holiday, VSD is competitive with other agencies in the area with regards to employee benefits. President Duran asked for clarification as to what happened to the floating holiday that the Board previously approved. She explained that when the PTO (Paid Time Off) got absorbed into the vacation accrual one day was lost. President Duran requested that Ms. Marshall send him more information on the holiday. Director Canero requested to see a listing of all the

District's holidays. Secretary Coleman was in approval of adding Indigenous People's Day as an officially recognized District holiday. No motion was made at this time and it was decided that more information be brought back before the board at a future meeting.

- d. Authorize the General Manager to Execute a Contract with Engineering Solutions Services, Inc. for As-Needed Grant Assistance Support Services in an Amount Not to Exceed \$50,000 for Fiscal Year 2019/20

Valley Sanitary District has several projects identified in its 20-year Capital Improvement Plan that may qualify for grants, loans, or other funding opportunities. Most of these opportunities have lengthy and time-consuming application processes and VSD staff does not have the experience with these grants and funding agencies that outside consultants can provide. Engineering Solutions Services, Inc. (ESS) has had significant success assisting Coachella Valley water and wastewater agencies in applying for grants, loans, and special funding opportunities. They have professional and technical experts that have significant experience with the non-profit, state, and other agencies providing these opportunities and high returns on the applications. Staff asked ESS to provide a quote for as-needed grant assistance to work with VSD on projects that it thinks best suit the available funding opportunities. Ms. Marshall explained that there are grant monies available now through Proposition 1A and Proposition 68 that would benefit the District for Plant Upgrades 2B and 2C. Director Canero asked if we went out to bid for this. Ms. Marshall stated that since the firm has done so much work with similar agencies in the area she did not. President Duran and Director Canero stated that this should wait until after the Strategic Planning is complete. Director Coleman stated that he likes that this firm is familiar with both state and federal levels. President Duran requested that the firm come make a presentation to the Board. No motion was made at this time. President Duran requested that this item come back before the board at a later date.

- e. Request Permission to Allow Volunteer Apiary on Valley Sanitary District Property to Support Local Bee Population and Harvest "#2 Gold" Honey as an Environmental Demonstration Project

Ms. Marshall asked the permission of the board to set up a volunteer apiary on district property. She proposed an area not accessible to the public that would house not more than 10 boxes as a way to promote urban beekeeping. The "#2 Gold" honey collected from the hives would be used for demonstration purposes. Director Canero asked if Ms. Marshall checked into the liabilities of having an apiary on district property. President Duran requested that Ms. Marshall check with CSRMA and counsel on what is the liability for this type of project and bring it back before the board with more information.

5. DIRECTOR'S ITEMS

Director's items not listed are for discussion only; no action will be taken without an urgency vote pursuant to State law.

Director Canero requested staff to look into death benefits for employees. President Duran requested for staff to investigate options for the \$1,500 dental and vision reimbursement benefit for directors. Secretary Coleman informed the board of Indio's Annual State of the City on October 31, 2019 and asked permission for board members to attend.

6. ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 3:36 p.m. in memory of Jimmy Garcia's brother, Oscar Garcia, and in recognition of California Water Professionals Appreciation Week. The next board meeting will be a Regular Meeting held October 22, 2019.

Respectfully submitted,

Holly Gould

Holly Gould, Clerk of the Board
Valley Sanitary District