

**VALLEY SANITARY DISTRICT  
MINUTES OF REGULAR BOARD MEETING**  
April 26, 2022

A regular Board Meeting of the Governing Board of Valley Sanitary District (VSD) was held on Tuesday, April 26, 2022, at 45-500 Van Buren St., Indio, CA 92201.

**1. CALL TO ORDER**

President Sear called the meeting to order at 1:02 p.m.

**1.1 Roll Call**

Directors Present:

Debra Canero, Dennis Coleman, Mike Duran, Scott Sear, William Teague

Staff Present:

Beverli Marshall, Holly Gould, Jeanette Juarez, Dave Commons, Ron Buchwald, and Robert Hargreaves, Best Best & Krieger

**1.2 Pledge of Allegiance**

**2. PUBLIC COMMENT**

*This is the time 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.*

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None.

**3. CONSENT CALENDAR**

3.1 Approve Minutes for April 12, 2022, Regular and April 19, 2022, Special Meetings

3.2 Approve Warrants for April 7, 2022, through April 20, 2022

3.3 Monthly Financial Report for March 31, 2022

3.4 Approve Credit Card Report for March 31, 2022

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Director Duran requested clarification on the overtime amount on the Budget Variance Report. Jeanette Juarez explained that we are under budget.

**ACTION TAKEN:**

**MOTION:**

Director Teague motioned to approve the consent calendar as presented. Secretary/Treasurer Coleman seconded the motion. Motion carried by the following roll call vote:

AYES: Canero, Coleman, Duran, Sear, Teague

NOES: None

**MINUTE ORDER NO. 2022-3190**

At this time, President Sear requested to reorder the agenda and adjourn to closed session item 10.1.

**PUBLIC COMMENT**

*This is the time set aside for public comment on any item discussed in Closed Session.*

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None.

**CONVENE IN CLOSED SESSION**

*Items discussed in Closed Session comply with the Ralph M. Brown Act.*

**10.1 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Pursuant to paragraph (2) or (3) of subdivision (d) of Government Code Section 54956.9 (one potential case – circumstances need not be disclosed pursuant to paragraph (1) of subdivision (e) of Government Code Section 54956.9)

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The Board adjourned to Closed Session at 1:08 p.m.

**CONVENE IN OPEN SESSION**

*Report out on Closed Session items*

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The Board reconvened in open session at 2:21 p.m. Legal counsel stated for item 10.1, direction was given and there was no reportable action.

**4. NON-HEARING ITEMS**

**4.1 Resolution 2022-1160 Authorizing the Execution and Delivery of An Installment Sales Agreement And Escrow Agreement With Banc of America Public Capital Corp**

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The District is moving forward with financing its Recycled Water Project – Phase 1, which is a capital improvement project of high priority for the District. After reviewing several options for financing, the Board of Directors determined that delivery of an installment sales agreement with Bank of America was the best option. They authorized the General Manager to execute a financing proposal from Bank of America to lock in an interest rate for the financing. Due to the requirement of additional documents, the District was not able to lock in the 2.5% interest rate. Bank of America has given a 2-week extension

to lock in a rate of 2.75%. The Board gave staff direction to move forward with securing the new rate and bring the agreement and resolution back to the Board on May 10, 2022.

4.2 Authorize the General Manager to Sign a Memorandum of Understanding for the Integrated Regional Water Management Planning and Funding in the Colorado River Basin Funding Area

The Colorado River Basin Funding Area includes three other Regional Water Management Groups (RWMGs); Mojave Regional Water Management Group, San Geronio Regional Water Management Group, and Imperial Regional Water Management Group. Imperial RWMG has not always participated in the MOU process but is taking part in this funding opportunity. The four RWMGs have been working together to disperse this next round of grant funding for our funding area. This group collectively is called the Colorado River Integrated Regional Water Management Partners (Colorado River IRWMP). The 2022 Memorandum of Understanding (MOU) has been created for the Colorado River IRWMP for use among member agencies when a grant-funded project is shared among more than one agency. This MOU is very similar to the previous MOU used by the Colorado River IRWMP, which the Board approved in November 2021. Staff recommended that the Board of Directors authorize the General Manager to sign the 2022 Memorandum of Understanding for the Integrated Regional Water Management Planning and Funding in the Colorado River Basin Funding Area.

**ACTION TAKEN:**

**MOTION:** Secretary/Treasurer Coleman motioned to authorize the General Manager to sign the 2022 Memorandum of Understanding for the Integrated Regional Water Management Planning and Funding in the Colorado River Basin Funding Area. Vice President Canero seconded the motion. Motion carried by the following roll call vote:  
AYES: Canero, Coleman, Duran, Sear, Teague  
NOES: None

**MINUTE ORDER NO. 2022-3191**

4.3 Authorize Purchase of WTR III Tracked Camera Transporter and OZ III Mainline Sewer Inspection Camera from Plumbers Depot Inc. Not to Exceed \$50,000

The District's current CCTV transporter and camera systems have met their useful life. Once the new equipment is purchased, the present transporter and camera will become the backup camera and transporter. The current backup camera and transporter will be surplus. Plumbers Depot is the sole distributor of Cues equipment, the manufacturer of the camera and transporter that the District's CCTV van is designed to equip. The sole source procurement is for an amount not to exceed \$44,235.

**ACTION TAKEN:**

**MOTION:** Director Duran motioned to purchase one (1) WTR III Tracked Transporter and one (1) OZ III sewer pipe inspection camera in a total amount not to exceed \$44,235.20, including tax and delivery. Director Teague seconded the motion. Motion carried by the following roll call vote:

AYES: Canero, Coleman, Duran, Sear, Teague

NOES: None

**MINUTE ORDER NO. 2022-3192**

- 4.4 Approve Change Order #2 to the Contract with the Downing Dudek Design-Build Entity for the Design and Construction of the Influent Pump Station Project in an Amount Not to Exceed \$2,921,971 (the Guaranteed Maximum Price)

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The Influent Pump Station Project was awarded to Downing Construction and the Dudek Engineering team as the Design-Build Entity (DBE). The contract was executed on November 12, 2020. The DBE has completed the 60% design plans and specifications and has developed the Guaranteed Maximum Price (GMP). Staff and Stantec (the District's Owner's Representative for this project) reviewed the GMP. They agreed that it represents a fair price. According to the contract between the District and the DBE, once a GMP has been determined and agreed upon, a change order to the contract is prepared for approval. Staff recommended that the Board of Directors approve Change Order # 2 in an amount not to exceed \$2,921,971 and authorize the general manager to execute the document.

**ACTION TAKEN:**

**MOTION:**

Vice President Canero motioned to approve Change Order # 2 in an amount not to exceed \$2,921,971 and authorize the general manager to execute the document. Director Teague seconded the motion. Motion carried by the following roll call vote:

AYES: Canero, Coleman, Duran, Sear, Teague

NOES: None

**MINUTE ORDER NO. 2022-3193**

**5. GENERAL MANAGER'S ITEMS**

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None.

**6. COMMITTEE REPORTS**

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None.

**7. DIRECTOR'S ITEMS**

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Secretary/Treasurer Coleman requested to be registered o attend the Mission Springs Water District Groundbreaking in June. Director Duran asked to be registered to participate in the Special District Legislative Days in Sacramento.

**8. INFORMATIONAL ITEMS**

8.1 Public Service Recognition Week was started in 1985 and is celebrated the first week of May to honor those who serve as federal, state, county, and local government employees. More information about this year's event, observed May 1-7, 2022, can be found at <https://ourpublicservice.org/our-solutions/recognition>.

**9. PUBLIC COMMENT**

*This is the time set aside for public comment on any item discussed in Closed Session.*

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None.

**10. CONVENE IN CLOSED SESSION**

*Items discussed in Closed Session comply with the Ralph M. Brown Act.*

10.2 LABOR NEGOTIATIONS

Pursuant to Government Code Section 54957.6

Title: General Manager

10.3 PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957(b)(1)

Title: General Manager

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The Board adjourned to Closed Session at 2:52 p.m.

**11. CONVENE IN OPEN SESSION**

*Report out on Closed Session items*

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The Board reconvened in open session at 3:50 p.m. Legal counsel stated nothing to report.

**12. ADJOURNMENT**

There being no further business to discuss, the meeting adjourned at 3:52 p.m. The next regular Board meeting will be on May 10, 2022.

Respectfully submitted,

Holly Gould, Clerk of the Board  
Valley Sanitary District