

**VALLEY SANITARY DISTRICT  
MINUTES OF REGULAR BOARD MEETING  
September 27, 2022**

A regular Board Meeting of the Governing Board of Valley Sanitary District (VSD) was held on Tuesday, September 27, 2022, at 45-500 Van Buren St., Indio, CA 92201.

**1. CALL TO ORDER**

President Sear called the meeting to order at 1:00 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, Ron Buchwald, Anna Bell, Ivan Monroy, Tino Tijerina, Daniel Mills, Bob Hargreaves and Joseph Sanchez, Best Best & Krieger

**1.2 Pledge of Allegiance**

**2. PUBLIC COMMENT**

*Please notify the Secretary in advance of the meeting if you wish to speak on a non-hearing item or any item not appearing on the agenda.*

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None.

**3. CONSENT CALENDAR**

3.1 Approve Minutes for September 13, 2022, Regular Meeting

3.2 Approve Warrants for September 8 through September 21, 2022

3.3 Monthly Financial Report for August 30, 2022

3.4 Receive and File Credit Card Report for August 30, 2022

3.5 Authorize Tuition Reimbursement for Beverli A. Marshall, General Manager, Per District Policy, for \$1,000

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**ACTION TAKEN:**

**MOTION:**

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

AYES: Canero, Coleman, Duran, Sear, Teague

NOES: None

**MINUTE ORDER NO. 2022-3230**

**4. PUBLIC HEARING**

- 4.1 Adopt Ordinance No. 2022-121 Amending Sewer Construction and Use Ordinance and Rescind Ordinance No. 2010-118

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President Sear asked Ms. Marshall to summarize the actions leading up to the Public Hearing. Ms. Marshall stated that pursuant to Government Code Section 6062a, a notice of the Public Hearing was published in the Desert Sun newspaper on September 15, 2022, and September 21, 2022. President Sear read the procedures to be followed during the hearing and asked Ms. Marshall to summarize any written communications regarding the proposed Sewer Construction and Use Ordinance 2022-121. Ms. Marshall informed the Board that no written communication had been received. President Sear declared the Public Hearing open at 1:05 p.m. and asked Ms. Marshall to give a brief staff report followed by any public testimony. Being no comments from the public, President Sear declared the Public Hearing closed at 1:07 p.m. Staff reported that the amended ordinance completed the 45-day review with the Regional Board with no comment.

**"AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE VALLEY SANITARY DISTRICT AMENDING THE SEWER CONSTRUCTION AND USE ORDINANCE"**

**ACTION TAKEN:**

**MOTION:**

Director Duran motioned to approve the amended Sewer Construction and Use Ordinance 2022-121. Vice President Canero seconded the motion. Motion carried by the following roll call vote:

AYES: Canero, Coleman, Duran, Sear, Teague

NOES: None

**ORDINANCE NO. 2022-121**

**5. NON-HEARING ITEMS**

- 5.1 Adopt Resolution No. 2022-1170 Amending and Updating the Maximum Concentration Limits for Wastewater Discharges

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In accordance with the Sewer Construction and Use Ordinance updates, a discharge limits study was conducted using the Environmental Protection Agency (EPA) July 2004 Local Limits Development Guidance Document. The study identified 15 Pollutants of Concern (POC) based on EPA's "National" constituents list. The current limits were found to be sufficiently protective. Changes to the local limits

were administrative updates, including formatting, consistent with significant figures and language. Resolution 2022-1170 updates the reference to Ordinance No. 2022-121 and reflects the updated NPDES Order No. R7-2020-0007.

**“A RESOLUTION OF THE BOARD OF DIRECTORS OF VALLEY SANITARY DISTRICT ESTABLISHING MAXIMUM CONCENTRATION LIMITS FOR WASTEWATER DISCHARGES TO THE VALLEY SANITARY DISTRICT WASTEWATER RECLAMATION FACILITY”**

**ACTION TAKEN:**

**MOTION:** Director Teague motioned to adopt Resolution No. 2022-1170, Establishing Maximum Concentration Limits for Wastewater Discharges to the Valley Sanitary District Wastewater Reclamation Facility. Director Duran seconded the motion. Motion carried by the following roll call vote:  
AYES: Canero, Coleman, Duran, Sear, Teague  
NOES: None  
**RESOLUTION NO. 2022-1170**

5.2 Authorize the General Manager to Issue a Purchase Order for Fuel Tank Repairs in an Amount Not to Exceed \$182,321.06

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In August 2022, staff submitted a proposal (RFP) for a fuel management system for two onsite fueling stations and a replacement 1000-gallon diesel fuel tank. The RFP closed on August 31, 2022, with no responses. The District's current diesel fuel tank is a 32-year-old single-wall styled tank on stilts. It is recommended to replace the tank with a ConVault tank, similar to the districts existing unleaded fuel tank, to have parts and equipment compatible for both tanks. Implementing a fuel management system that will allow VSD to monitor costs, usage better, and quantity of fuel is also recommended. Due to no bids being received from the RFP, Orange Coast Petroleum, Inc. provided staff with a proposal for an amount not to exceed \$182,321.06.

**ACTION TAKEN:**

**MOTION:** Director Duran motioned to authorize the purchase of a replacement diesel tank and fuel management system from Orange Coast Petroleum Equipment, Inc. for an amount not to exceed \$182,321.06. 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. 2022-3231**

5.3 Authorize the General Manager to Execute a Contract with Trimax to Replace Plant Blower System Master Control Panel and Three Local Control Panel Programmable Logic Controllers (PLC) in an Amount Not to Exceed \$86,110

The Blower System, installed in 2006, has had some components replaced due to failure. Due to supply chain issues and electronics shortages, these replacement parts have an extended delivery time. Staff has identified that the Master Control Panel and three Local Control Panel equipment need to be upgraded for operational continuity. Trimax is the sole SCADA integrator for the District. Staff recommends upgrading all blower system electronic equipment related to the PLC and SCADA system in an amount not to exceed \$86,110.

**ACTION TAKEN:**

**MOTION:**

Vice President Canero motioned to authorize the General Manager to execute a contract with Trimax to upgrade all blower system electronic equipment related to the PLC and SCADA system in an amount not to exceed \$86,110. 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. 2022-3232**

- 5.4 Authorize the General Manager to Execute a Contract with Trimax to Replace Programmable logic Controller (PLC) Central Processing Unit and Input/Output Modules for PLC600 and PLC 460 in an Amount Not to Exceed \$102,975

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The PLC 600, located at the Hypochlorite Building, and PLC 460, located at the Pond Aeration Building, were installed in 2006. Some components have been replaced due to failure. Due to supply chain issues and electronics shortages, the replacement parts have an extended delivery time. Staff recommends replacing PLC 600 and PLC 460 for operational continuity. Trimax is the sole SCADA integrator for the District. Staff recommends executing a contract with Trimax to upgrade PLC 600 and PLC 460 relating to the network and SCADA system in an amount not to exceed \$102,975.

**ACTION TAKEN:**

**MOTION:**

Director Duran motioned to authorize the General Manager to execute a contract with Trimax to upgrade PLC 600 and PLC 460 relating to the network and SCADA system in an amount not to exceed \$102,975. Director Teague seconded the motion. Motion carried by the following roll call vote:

AYES: Canero, Coleman, Duran, Sear, Teague

NOES: None

**MINUTE ORDER NO. 2022-3233**

- 5.5 Authorize the General Manager to Negotiate and Execute a Sewer Service Agreement Between the District and the Cabazon Band of Cahuilla Indians

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The original sewer service agreement between the Valley Sanitary District and the Cabazon Band of Mission Indians was executed on September 10, 1985, and expired on June 30, 1995. The District has continued to provide sewer service to the Tribe since then. The Tribe has subsequently changed its

name to the Cabazon Band of Cahuilla Indians. The District adopted a new rate structure and methodology as of July 1, 2021. As part of the new methodology, the calculation for all connections was changed from a flat rate to a combination of fixed and volumetric charges. The impact on the Tribe was notable, primarily due to the volumetric component of the rate calculation. The new agreement reflects the change in calculation methodology while providing for the District to modify the calculation methodology as needed during the term of the agreement. Staff has had numerous discussions with the Tribe about the volumetric calculation and has recommended that the Tribe install flow meters in the lateral connections to the District's system. The metered flow could then be used to calculate the volumetric flow for the rates instead of the current water meter data. If the Tribe installs flow meters, the District will use that information to calculate future service charges instead of the current water meter data.

**ACTION TAKEN:**

**MOTION:**

Director Duran motioned to authorize the General Manager to negotiate and execute a sewer service agreement between the District and the Cabazon Band of Cahuilla Indians. 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. 2022-3234**

- 5.6 Approve Third Amendment to the Employment Agreement with Beverli A. Marshall, General Manager, Increasing the General Manager's Salary to Reflect the Cost-of-Living Adjustment Pursuant to Section 3 of the Agreement

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On May 24, 2022, the Board adopted Resolution No. 2022-1163, which included a cost-of-living adjustment of 5% for all District employees effective July 1, 2022. The employment agreement with the General Manager includes language providing a cost-of-living adjustment that is the same as provided to all employees of the District. Per California Government Code § 54956(b), the Board cannot adjust the General Manager's salary, salary schedule, or benefits unless done at a regular meeting of the Board. In addition, California Government Code § 54953(c)(3) requires that an oral report summarizing the proposed action be made at the same meeting as the action taken. The language included in this third amendment reflects the new biweekly pay rate of \$10,140, which is 5% higher than the General Manager's current pay rate of \$9,657. The effective date of the amendment is July 1, 2022, to coincide with the COLA provided to all other District employees.

**ACTION TAKEN:**

**MOTION:**

Director Teague motioned to approve the third amendment to the General Manager employment agreement, supporting a 5% cost-of-living increase effective July 1, 2022. Vice President Coleman seconded the motion. Motion carried by the following roll call vote:

AYES: Canero, Coleman, Sear, Teague

NOES: Duran

## MINUTE ORDER NO. 2022-3235

- 5.7 Adopt Resolution No. 2022-1171 Amending the Valley Sanitary Wage Schedule Effective July 1, 2022, and Rescind Resolution No. 2022-1163

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On May 24, 2022, the Board of Directors adopted Resolution 2022-1163 amending the VSD Bi-Weekly Wage Schedule to reflect a cost-of-living adjustment (COLA) of 5% and various special compensation and benefits for District employees effective July 1, 2022. The Employment Agreement between VSD and the General Manager includes a COLA that is the same as approved for employees. The amended Wage Schedule reflects this salary adjustment. In addition to amending the Wage Schedule, Resolution No. 2022-1171 officially changes the lateral certification incentive pay as determined by the Board at its August 30, 2022, meeting.

### ACTION TAKEN:

#### MOTION:

Director Teague motioned to adopt Resolution No. 2022-1171, amending the Bi-Weekly Wage Schedule effective July 1, 2022, and rescinding Resolution No. 2022-1163. Director Duran seconded the motion. Motion carried by the following roll call vote:

AYES: Canero, Coleman, Sear, Teague

NOES: Duran

#### RESOLUTION NO. 2022-1171

## 6. GENERAL MANAGER'S ITEMS

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None.

## 7. COMMITTEE REPORTS

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None.

## 8. DIRECTOR'S ITEMS

- 8.1 Verbal Report on Special District Leadership Academy in Napa,

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President Sear and Vice President Canero commented on their attendance at the CSDA Special District Leadership Academy in Napa, CA. They both stated it was a great conference with many networking opportunities.

## 9. INFORMATIONAL ITEMS

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None.

**10. PUBLIC COMMENT**

Please notify the Clerk of the Board in advance of the meeting if you wish to speak on an item to be discussed in Closed Session.

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None.

**President Sear called for a short recess at 1:54 p.m. The Board of Directors reconvened at 2:03 p.m. Roll call was taken, and all Directors were present.**

**11. CONVENE IN CLOSED SESSION**

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

11.1 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 2:03 p.m.

**12. CONVENE IN OPEN SESSION**

Report out on Closed Session items

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The Board reconvened in open session at 3:19 p.m. President Sear stated nothing to report.

**13. ADJOURNMENT**

There being no further business to discuss, the meeting adjourned at 3:20 p.m. The next regular Board meeting will be on October 11, 2022.

Respectfully submitted,

Holly Gould, Clerk of the Board  
Valley Sanitary District