

**VALLEY SANITARY DISTRICT
MINUTES OF REGULAR BOARD MEETING
December 13, 2022**

A regular Board Meeting of the Governing Board of Valley Sanitary District (VSD) was held on Tuesday, December 13, 2022, at 45-500 Van Buren St., Indio, CA 92201.

1. CALL TO ORDER

President Sear called the meeting to order at 1:01 p.m.

2. ROLL CALL

Directors Present:

Jacky Barnum, Debra Canero, Mike Duran, Scott Sear, William Teague

Staff Present:

Beverli Marshall, Holly Gould, Ron Buchwald, Dave Commons, Rebecca Salas, Mario Luna, Karen Hopper, Hector Guzman, and Bob Hargreaves, Best Best & Krieger

Guests Present:

Dennis Coleman

Dr. Bruce Underwood, Healthy Futures

3. PLEDGE OF ALLEGIANCE

4. ADMINISTER OATH OF OFFICE – APPOINTED DIRECTOR

- Jacquelyn Barnum – Division A
- Scott Sear – Division C

Certification in Lieu of Election was received from the Riverside County Register of Voters office certifying that in lieu of the election on November 8, 2020, Jacquelyn Barnum – Division A, and Scott Sear – Division C, were appointed to the office of Director of Valley Sanitary District for a term commencing December 2, 2022 and ending December 4, 2026. The Clerk of the Board administered the oath of office to the newly appointed Directors.

5. EMPLOYEE ANNIVERSARIES – DECEMBER

- James Mills, Operations Supervisor – 16 years
- Jimmy Garcia, Maintenance Technician I – 16 years

- Ron Buchwald, District Engineer – 10 years
- Karen Hopper, Accounting Analyst – 9 years
- Hector Guzman, Development Services Tech III – 8 years

The Board congratulated Jimmy, James, Ron, Karen, and Hector for their hard work and years of service to the District.

6. NEW EMPLOYEE INTRODUCTIONS

- Mario Luna – Laboratory Technician-in-Training
- Rebecca Salas – Laboratory Technician-in-Training

The Board welcomed the District's newest employees, Mario Luna and Rebecca Salas, Laboratory Technicians-in-Training.

7. 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.

Dr. Bruce Underwood, Healthy Futures, Inc., gave public comment.

8. CONSENT CALENDAR

- 8.1 Approve Meeting Minutes of November 22, 2022
 - 8.2 Approve Warrants for December 13, 2022
 - 8.3 Quarterly Investment Report for the Period Ending September 30, 2022
 - 8.4 Approve Regular Meeting Schedule and Adopt District Observed Holidays for 2023
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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: Barnum, Canero, Duran, Sear, Teague

NOES: None

MINUTE ORDER NO. 2022-3258

9. PUBLIC HEARING

- 9.1 Conduct a Public Hearing Regarding Valley Sanitary District's Intent to Adopt a Mitigated Negative Declaration for the Proposed Westward Ho Drive Sewer Siphon Replacement Project

To meet the regulatory requirements of the California Environmental Quality Act (CEQA), an Initial Study-Mitigated Negative Declaration for the Westward Ho Drive Sewer Siphon Replacement Project was developed and distributed. A Notice of Availability / Notice of Intent to adopt a Mitigated Negative Declaration was distributed through the State Clearinghouse to other agencies for their review and comment. The public review period started on October 11 and ended on November 10, 2022. The District received one comment letter from the California Department of Fish and Wildlife (CDFW). A letter addressing CDFW's comments was sent on November 16, 2022. Valley Sanitary District, as a lead CEQA agency, is required per AB52 to notify Native American Tribes that have requested consultation on proposed discretionary projects. Notices were sent to the local Native American Tribes on July 19, 2022. No responses or requests for consultation were received within the 30-day response period, which concluded on August 18, 2022. Pursuant to Government Code Section 6062a, a Notice of Public Hearing was duly noticed in The Desert Sun, a newspaper of general circulation, on December 2 and 7, 2022. President Sear declared the public hearing open for public comment at 1:37 p.m. There being no correspondence, public comments, or additional comments from the Board, President Sear declared the Public Hearing closed at 1:42 p.m.

ACTION TAKEN:

MOTION: Vice President Canero motioned to adopt the Mitigated Negative Declaration for the Westward Ho Drive Sewer Siphon Replacement Project. Director Duran seconded the motion. Motion carried by the following roll call vote:

AYES: Barnum, Canero, Duran, Sear, Teague

NOES: None

MINUTE ORDER NO. 2022-3259

10. NON-HEARING ITEMS

- 10.1 Adopt Resolution No. 2022-1172 Honoring Director Dennis Coleman for His Dedication and Service to Valley Sanitary District

The Board of Directors presented Dennis Coleman with an award of appreciation and adopted Resolution No. 2022-1172 in recognition of his hard work and years of service to the District and his constituents.

“A RESOLUTION OF THE BOARD OF DIRECTORS OF VALLEY SANITARY DISTRICT HONORING DENNIS COLEMAN”

ACTION TAKEN:

MOTION: Director Duran motioned to adopt Resolution No. 2022-1172, Honoring Dennis Coleman. Vice President Canero seconded the motion. Motion carried by the following roll call vote:

AYES: Barnum, Canero, Duran, Sear, Teague

NOES: None

RESOLUTION NO. 2022-1172

10.2 Election of Board Officers 2023

Pursuant to Resolution 2018-1109, the election of officers shall be held at the first (1st) Board of Directors' meeting in December of each calendar year. Officers shall serve for a term of one (1) year. Nominations shall be made from the floor, and votes shall be in the order of President, Vice President, and Secretary/Treasurer.

Nomination of President – Director Duran made a motion to nominate Debra Canero for President of the Valley Sanitary District Board of Directors. Director Sear seconded the motion. Motioned carried by the following roll call vote:

AYES: Director(s) Barnum, Canero, Duran, Sear, Teague
NOES: None

Nomination of Vice President – Director Teague made a motion to nominate Mike Duran for the office of Vice President of the Valley Sanitary District Board of Directors. Director Barnum seconded the motion. Motioned carried by the following roll call vote:

AYES: Director(s) Barnum, Canero, Duran, Sear, Teague
NOES: None

Nomination of Secretary/Treasurer – Director Duran made a motion to nominate Scott Sear for Secretary/Treasurer of the Valley Sanitary Board of Directors. Director Barnum seconded the motion. Motioned carried by the following roll call vote:

AYES: Barnum, Canero, Duran, Sear, Teague
NOES: None

MINUTE ORDER NO. 2022-3260

10.3 Appoint Directors and One Alternate to the East Valley Reclamation Authority Board of Directors for 2023

President Canero appointed Director William Teague and Secretary/Treasurer Scott Sear, and President Debra Canero as alternate for the East Valley Reclamation Authority Joint Powers Authority Board of Directors for 2023.

10.4 Appoint Two Directors to the Budget & Finance, Operations, and Community Engagement Committees for 2023

President Canero appointed Secretary/Treasurer Scott Sear and President Debra Canero to the Budget & Finance Committee, Director William Teague and Director Jacky Barnum to the Operations Committee, and Secretary/Treasurer Sear and Vice President Mike Duran to the Community Engagement Committee for 2023.

- 10.5 Authorize the General Manager to Execute a Contract with Elevation Health to Provide Employee Health and Wellness Program Services in an Amount not to Exceed \$37,750 for 12 months

Dr. Bruce Underwood, Healthy Futures, Inc., commented publicly on Item 10.5.

On September 20, 2022, the District released a second Request for Proposals (RFP) for Employee Wellness Program services. The Board requested this after concerns were expressed regarding the previous RFP. Since the existing contract has been in place for three years, the District's policy requires soliciting proposals for a new contract. Staff prepared an RFP for a consulting and/or wellness firm to develop a wellness program for District employees. The consulting and/or wellness firm needs expertise and experience in implementing a customized wellness program that promotes healthy behaviors. The District received three proposals: Elevation Health, Healthy Futures, and Pinnacle Training Systems. A four-member evaluation committee comprised of VSD employees independently reviewed the submitted Valley Sanitary District Recommendation proposals utilizing the six evaluation criteria in the RFP. According to the evaluation scores, the Committee determined that Elevation Health represents the best option for VSD's Employee Health and Wellness Program. Since all proposals came in over budget, the Board decided to end the Wellness Program as of December 31, 2022, and not award a contract at this time. The Board will re-evaluate the Wellness Program for the next fiscal year.

ACTION TAKEN:

MOTION: Secretary/Treasurer Sear motioned to end the Wellness Program as of December 31, 2022 and re-evaluate for the next fiscal year. Vice President Duran seconded the motion. Motion carried by the following roll call vote:
AYES: Barnum, Canero, Duran, Sear, Teague
NOES: None

MINUTE ORDER NO. 2022-3261

- 10.6 Authorize a Limited Study with Lystek to Determine the Feasibility of an Onsite Biosolids Solution in an Amount Not to Exceed \$20,000

Currently, VSD hires a hauler to take the biosolids to Arizona, where it is applied on crops that can be accepted for this purpose. This option is becoming more difficult because of zero waste goals and more stringent regulatory requirements in California and Arizona. At the Operations Committee meeting on August 2, the Committee discussed the options for biosolids reuse and recommended that a Lystek representative make a presentation to the entire Board. Lystek made a presentation to the Board at its meeting on September 13. Staff recommends authorizing a limited study with Lystek to determine if an onsite biosolids solution is feasible at the District.

ACTION TAKEN:

MOTION: Vice President Duran motioned to authorize a limited study with Lystek to determine the feasibility of an onsite biosolids solution in an amount not to exceed

\$20,000. Director Teague seconded the motion. Motion carried by the following roll call vote:

AYES: Barnum, Canero, Duran, Sear, Teague

NOES: None

MINUTE ORDER NO. 2022-3262

- 10.7 Authorize the General Manager to Negotiate and Execute a Contract with the Selected Consultant for Communications and Outreach Services in an Amount Approved by the Board for 12 months with an Option for Two 12-Month Extensions

The Community Engagement Committee requested that staff prepare and published a Request for Proposals (RFP) for communication and outreach services. The RFP was posted on October 20 and was emailed to eight vendors that staff could identify that offer these services. Potential vendors had until October 28 to submit questions regarding the RFP. Staff prepared and published responses to these questions on November 2. The deadline for submitting a proposal was 4:00 p.m. on November 10. The District received three proposals that are responsive to the RFP, and staff believes each could provide the identified services. Based on the Committee's feedback, the staff is presenting all three proposals for the Board of Directors to discuss and determine which, if any, to proceed with a contract. Since all proposals came in over budget, the Board decided not to award the contract at this time and to revisit it for the next fiscal year.

ACTION TAKEN:

MOTION:

Vice President Duran motioned not to award the contract and re-evaluate for the next fiscal year. Director Teague seconded the motion. Motion carried by the following roll call vote:

AYES: Barnum, Canero, Duran, Sear, Teague

NOES: None

MINUTE ORDER NO. 2022-3263

11. GENERAL MANAGER'S ITEMS

- 11.1 Monthly General Manager's Report – September 2022
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12. COMMITTEE REPORTS

- 12.1 Discuss Draft Minutes of the Operations Committee Meeting - -December 6, 2022
-

Ron Buchwald, District Engineer, gave project updates on the Influent Pump Station, Collection System Rehabilitation and Replacement Indio Downtown project, Recycled Water Project – Phase 1, and Westward Ho Sewer Siphon Replacement.

13. DIRECTOR'S ITEMS

President Canero thanked staff for a great holiday party. She also stated the Indio Middle School commented that Ivan Monroy and James Mills did an excellent job presenting at their Career Day. Director Teague congratulated Director Jacky Barnum on her appointment to the Board of Directors. He also congratulated Director Debra Canero on her election as Board President.

14. INFORMATIONAL ITEMS

None.

15. 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.

None.

President Canero called for a short recess at 3:02 p.m. The Board of Directors reconvened at 3:05 p.m. Roll call was taken. Directors Barnum, Canero, Duran, Sear, and Teague were present.

16. CONVENE IN CLOSED SESSION

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

- 16.1 Conference with Legal Counsel – Discussion to Consider Initiation of Litigation Pursuant Government Code Section 54956.9 (d)(2) Under existing facts and circumstances, legal counsel believes that there is significant exposure to litigation.
- 16.2 Public Employment Recruitment
Pursuant to Government Code Section 54957
Title: General Manager

The Board adjourned to Closed Session at 3:05 p.m. Director Barnum recused herself from item 16.1.

17. CONVENE IN OPEN SESSION

Report out on Closed Session items

The Board reconvened in open session at 3:30 p.m. President Canero stated there was nothing to report.

18. ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 3:31 p.m. The next regular Board meeting will be on December 27, 2022.

Respectfully submitted,

Holly Gould, Clerk of the Board
Valley Sanitary District