

**Borrego Water District Board of Directors**  
**Special Meeting**  
**May 9, 2023 @ 9:00 a.m.**  
**806 Palm Canyon Drive**  
**Borrego Springs, CA 92004**

The Borrego Water District Board of Directors meeting as scheduled will be conducted in person and in an electronic format please note BWD is providing remote attendance options solely as a matter of convenience to the public. BWD will not stop or suspend its in-person public meeting should a technological interruption occur with respect to the GoTo meeting or call-in line listed on the agenda. We encourage members of the public to attend BWD meetings in-person at the address printed on page 1 of this agenda. Anyone who wants to listen to or participate in the meeting remotely is encouraged to observe the GO TO MEETING at:

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**I. OPENING PROCEDURES -**

- A. Call to Order
- B. Pledge of Allegiance
- C. Directors' Roll Call: President Dice, *\*Vice President Baker* (ADDRESS SHOWN BELOW), Directors Duncan, Johnson & *Moran* (NOT PLANNING TO PARTICIPATE @ ACWA CONFERENCE)
  - 1. *VP Baker address: Purcellville Public Library, 220 E Main St, Purcellville, VA 20132*
- D. Approval of Agenda
- E. Comments from the Public & Requests for Future Agenda Items (may be limited to 3 min)
- F. Comments from Directors
- G. Correspondence Received from the Public - None

**II. ITEMS FOR BOARD CONSIDERATION AND POSSIBLE ACTION -**

- A. Groundwater Dependent EcoSystems Technical Memo & Potential Synergies w/ Other Uses – T Huxman, UCI
- B. Labor Compliance Consultant for WWTP Monitoring Wells – E Garcia
- C. Borrego Springs Rd and Sun Gold Pipeline Design – G Poole
- D. Borrego Springs Subbasin Watermaster Board – VERBAL D Duncan/K Dice/T Driscoll
  - 1. Update on Board Activities
  - 2. Update on Technical Advisory Committee Activities

AGENDA: May 9, 2023: The Borrego Springs Water District complies with the Americans with Disabilities Act. Persons with special needs should call Geoff Poole, General Manager – at (760) 767 – 5806 at least 48 hours in advance of the start of this meeting, in order to enable the District to make reasonable arrangements to ensure accessibility.

If you challenge any action of the Board of Directors in court, you may be limited to raising only those issues you or someone else raised at the public hearing, or in written correspondence delivered to the Board of Directors (c/o the Board Secretary) at, or prior to, the public hearing.

All Documents for public review on file with the District's secretary located at 806 Palm Canyon Drive, Borrego Springs CA 92004. Any public record provided to a majority of the Board of Directors less than 72 hours prior to the meeting, regarding any item on the open session portion of this agenda, is available for public inspection during normal business hours at the Office of the Board Secretary, located at 806 Palm Canyon Drive, Borrego Springs CA 92004.

### **III. BOARD COMMITTEE REPORTS, IF NEEDED**

#### **STANDING:**

- A. Operations and Infrastructure: Duncan/Baker
- B. Budget and Audit: Dice/Moran
- C. ACWA/JPIA Insurance: Dice/Johnson

#### **AD HOC:**

- A. Prop 68 Implementation: Baker/Johnson
- B. Public Outreach: Dice/Johnson
- C. Grants: Dice/Johnson
- D. Cyber Security/Risk Management: Baker
- E. Developer's Agreement: Baker/Duncan
- F. Finance: Baker/Moran
- H. Borrego Springs Basin Water Quality: Moran/Johnson
  - 1. DWR Considerations for Identifying and Addressing Drinking Water Well Impacts – D Johnson – VERBAL

### **IV. STAFF REPORTS – VERBAL**

- A. General Manager

### **V. CLOSED SESSION:**

- A. Conference with Legal Counsel - Potential Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: (Two (2) potential case)
- B. Conference with Legal Counsel – Existing Litigation (Borrego Water District v. All Persons (Groundwater), Orange County Superior Court Case No. 37-2020-00005776
- C. Conference with Real Property Negotiators (Gov. Code §Section 54956.8) APN: 140-303-0900 & 140-303-1100 Agency Negotiator: Geoff Poole, BWD General Manager Negotiating Parties: BWD and US Gypsum Corp as potential buyer Price and Terms of Payment
- D. Conference with Real Property Negotiators (Gov. Code §Section 54956.8) Property APNs: 140-070-17, 140-070-18, 140-070-24, 140-070-27, 140-110-14, and 140-010-11 Agency Negotiator: Geoff Poole, BWD General Manager Negotiating Parties: BWD and David Bauer as potential seller regarding Price and Terms of Payment

**VI. CLOSING PROCEDURE:** The next Board Meeting is scheduled for 9:00 AM May 23, 2023, to be available online and in person at 806 Palm Canyon Drive. See Board Agenda at [BorregoWD.org](http://BorregoWD.org) for details. Agenda information available at least 72 hours before the meeting.

AGENDA: May 9, 2023: The Borrego Springs Water District complies with the Americans with Disabilities Act. Persons with special needs should call Geoff Poole, General Manager – at (760) 767 – 5806 at least 48 hours in advance of the start of this meeting, in order to enable the District to make reasonable arrangements to ensure accessibility.

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BORREGO WATER DISTRICT  
BOARD OF DIRECTORS MEETING  
MAY 9, 2023  
AGENDA ITEM II.A

May 2, 2023

TO: Board of Directors

FROM: Geoffrey Poole, General Manager

SUBJECT: Groundwater Dependent EcoSystems Technical Memo & Potential Synergies w/ Other  
Uses – T Huxman, UCI

**RECOMMENDED ACTION:**

Receive verbal report from Mr Huxman and direct staff as deemed appropriate

**ITEM EXPLANATION:**

Travis is the lead Scientist on the Prop 68 funded Groundwater Dependent Ecosystems evaluation undertaken by UC Regents. As mentioned by David Garmon at the BWD Board Meeting on 4-26, the first deliverable has been prepared, and the general results of the Technical Memo were reviewed. BWD Staff has asked Travis to provide his perspective on the Tech Memo as well as some personal thoughts on how GDEs could work synergistically with other uses in the Basin.

**NEXT STEPS**

TBD

**FISCAL IMPACT**

N/A

**ATTACHMENTS**

1. None

BORREGO WATER DISTRICT  
BOARD OF DIRECTORS MEETING  
May 9, 2023  
AGENDA ITEM II.B

May 2, 2023

TO: Board of Directors

FROM: Geoffrey Poole, General Manager

SUBJECT: Proposal for Project Management from Labor Compliance Consulting and Monitoring Services (LCCSC) for the Borrego Water District WWTP Monitoring Well Drilling Project

**RECOMMENDED ACTION:**

Discuss and approve contract with LCCSC to oversee and ensure BWD is at all times in compliance with all applicable State and Federal Laws.

**ITEM EXPLANATION:**

Complying with the Prop 68 Grant requirements, as it pertains to labor expenses on public works projects, is critical for efficient reimbursement in the future. A specific focus is placed upon prevailing wage and other requirements. Staff has used Labor Consultants Inc on a number of projects and very pleased with the results.

LCCSC shall be responsible for assisting Borrego Water District with activities needed to ensure that workers employed by the Prime Contractor and any subcontractors are hired and paid in compliance with all applicable State and Federal Laws. With the presence of many different subcontractors and worker classifications at the site a substantial amount of Labor Standards Compliance oversight may be required. Labor compliance officers being involved at the commencement of the project ensures timely compliance with the various aspects of labor standards compliance laws. LCCSC shall prepare current wage decisions and review the construction contract to ensure the required contract verbiage is included in the prime contractor's contract with his subcontractors.

Estimated construction time for the WWTP Monitoring Well Drilling Project is one hundred eighty (180) calendar days from the date on the notice to proceed. The labor standards activities are expected to extend for a total of eight (8) months. Six (6) months of construction activities and two (2) months following completion of the construction to obtain the final documentation from all contractors and subcontractors.

**NEXT STEPS**

Review and approve contract with LCCSC

**FISCAL IMPACT**

\$12,800.00 - Invoiced in eight (8) monthly installments of \$1600.00 at the end of each month beginning with the notice to proceed.

**ATTACHMENTS**

1. Proposal from Labor Compliance Consulting and Monitoring Services



# **PROPOSAL**

**Labor Compliance Consulting and Monitoring Services**

**To**

**Borrego Water District**

**For**

**Borrego Water District WWTP Monitoring Well Drilling Project**

**April 24, 2023**

**Prepared by: Crystal Ransdell**

**Labor Compliance Consultants Of  
Southern California LLC  
P.O. Box 15937  
San Diego, CA 92175  
(760) 791-6914**

**Requested by:  
Geoff Poole  
Borrego Water District  
806 Palm Canyon Drive  
Borrego Springs, CA 92004**

## I. EXECUTIVE SUMMARY

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### HISTORY OF FIRM & SUMMARY OF QUALIFICATIONS

**Labor Compliance Consultants of Southern California** (LCCSC) is a consulting firm offering Labor Standards Compliance Consulting and Contractor Monitoring services to both private and public-sector clients in Southern California and Western Arizona. LCCSC recommends and will perform training in office to all the contractor's labor compliance staff and supervisors. We have a staff of trained and experienced labor compliance monitors and interviewers.

LCCSC has provided labor compliance consulting services to our governmental sector clients in ensuring Federal and State of California Labor Standards Compliance on many of their public works projects. The Staff of LCCSC has attended several training sessions pertaining to the California Department of Industrial Relations prevailing wage requirements for public works projects and has attended two Labor Compliance Program seminar trainings at Fresno State University. Individual training by Ms. Karen Belcher with the Department of Apprenticeship Standards has provided up to date training per the California Labor Code § 1777.5, the apprenticeship requirements, to the LCCSC Staff. Additionally, the LCCSC Staff has attended numerous training sessions provided by the Housing and Urban Development Department for public works projects. The training sessions reviewed compliance with Davis Bacon and Related Acts and Wage Guidelines. LCCSC maintains a bilingual Labor Standards Compliance Staff for onsite worker interviews to assist in facilitating accurate data collection and reporting.

LCCSC has provided Labor Standards Compliance Services for the cities of Westmorland, Brawley, Imperial, Holtville, Calexico and El Centro in addition to the County of Imperial. LCCSC has provided Labor Standards Compliance Services for private clients, including but not limited to Chelsea Investment Corporation, Emmerson Construction, TCI Construction, Trademark Construction, and JMR Construction of Chattanooga Tennessee. LCCSC has provided Labor Standards Compliance Services for several types of infrastructure related projects including but not limited to building construction, water, sewer and storm infrastructure improvements, roadway improvements and various others construction related projects.

LCCSC has performed the monitoring activities of the 3<sup>rd</sup> Party Labor Compliance Program operations for the Calexico Unified School District has performed as Labor Compliance Monitor for the City of Brawley's LCP for the park project funded through proposition 84 bonds. LCCSC has performed the Labor Compliance Monitoring for the City of El Centro's LCP for the Skate Park project also funded through proposition 84 bonds. A list of labor standards compliance projects is included herein.

**PRIMARY CONTACT**

Ms. Crystal Ransdell  
Senior Labor Standards Compliance Officer  
P.O. Box 15937  
San Diego, CA 92175  
(760) 791-6914  
[cransdell@lccsc.net](mailto:cransdell@lccsc.net)

**ORGANIZATIONAL CHART**

**Ms. Crystal Ransdell, CFO**  
Senior Labor Compliance Officer  
CPR / DIR / DBRA Specialist  
Section 3 Specialist

**Ms. Jennifer Dupont, Office Manager**  
Senior Labor Compliance Officer  
CPR / DIR / DBRA Specialist  
Section 3 Specialist

**PROJECT TEAM HIGHLIGHTS:**

LCCSC is a professional services firm well-seasoned in Labor Standards Compliance. LCCSC’s labor compliance staff has worked on various construction projects in the Imperial County. Therefore, LCCSC would be highly sensitive to the needs of our clients in Southern California and Western Arizona.

**LCCSC IS DBE CERTIFIED AND SWBE CERTIFIED FIRM ID 44834**

**EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER**

To provide employment and advancement opportunities to all individuals, employment decisions at Labor Compliance Consultants of Southern California are based on merit, qualifications, and abilities. Except where required or permitted by law, employment practices are not influenced or affected by an applicant's or employee's race, color, religion, sex, national origin, age, disability, or any other characteristic protected by law.

**II. PROJECT APPROACH & SCOPE OF WORK**

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LCCSC shall be responsible for assisting **Borrego Water District** with activities needed to ensure that workers employed by the Prime Contractor and any subcontractors are hired and paid in compliance with all applicable State and Federal Laws. Mrs. Ransdell shall serve as the contact person for all issues related to labor standards compliance pertaining to this project.

The project consists of the Labor Compliance Monitoring for

**Borrego Water District – Waste Water Treatment Plant Monitoring Well Drilling Project with approximately 180 calendar days under construction.**

Many different subcontractors and worker classifications will be present at the site which may require a substantial amount of Labor Standards Compliance oversight. It is critical that the labor compliance officers be involved at the commencement of the project to ensure timely compliance with the various aspects of labor standards compliance laws. Mrs. Ransdell shall prepare the current wage decisions and

**The estimated construction time is one hundred eighty (180) calendar days from the date on the notice to proceed. The labor standards activities are expected to extend for a total of eight (8) months. Six (6) months of construction activities and two (2) months following completion of the construction to obtain the final documentation from all contractors and subcontractors.**

review the construction contract to ensure the required contract verbiage is included in the prime contractor's contract with his subcontractors.

**Labor Standards Compliance Services will include the following:**

**A. Wage Decisions Monitoring**

LCCSC shall obtain the applicable Federal Wage Decisions from the awarding agency as required and monitor any modification and applicable changes to the various worker classifications applicable to this project. LCCSC shall notify **Borrego Water District** of any modifications made to worker wage decisions.

## B. Contractor Eligibility, Certifications and Pre-Construction Conference

LCCSC will perform the following duties:

1. LCCSC shall research all bidding General Contractors to ensure they are not debarred. Following the bid openings and the project award, LCCSC shall verify the General Contractor and sub-contractor's eligibility through the Federal debarment lists.
2. LCCSC shall attend the Pre-Construction Conference and provide a labor standards compliance handout of the Department of Labor information pertaining to public works projects. LCCSC shall be made available for further consultation by telephone or email and labor standards compliance training as requested. LCCSC recommends that a pre-construction training session concerning labor standards provision, administration, and enforcement be conducted.
3. LCCSC shall make available to the contractors and sub-contractors the required forms, documentation and contract language requirements.

## C. Monitoring of Certified Payroll Reports, On Site Employee Interviews, and Progress Payment Review Assistance.

1. **Payroll Reviews:** LCCSC shall review certified payroll reports and ensure compliance with federal regulations. Submitted payrolls shall be reviewed promptly for compliance with applicable labor standards. LCCSC will review fringe benefits, deductions, and computations verifying that all required information is provided. Comments and correction notices pertaining to the submitted subcontractor documentation shall be forwarded to **Borrego Water District** and the Prime Contractor promptly.
2. **Employee Interviews:** LCCSC will be responsible for conducting on-site interviews with various employees of the contractor/sub-contractors to include at least ten percent (10%) of the workers in all job classifications to be compared against applicable payrolls for compliance with wage decisions.
3. **Request for Information:** LCCSC shall inform **Borrego Water District** in writing, immediately upon receipt of a Request for Information (RFI) from an individual or individuals requesting

copies of any forms or documents. LCCSC shall respond accordingly to all RFI's received on behalf of **Borrego Water District**, the Prime Contractor, and all subcontractors.

4. **Progress Payment Review Assistance:** LCCSC shall assist **Borrego Water District** and Prime Contractor to ensure compliance with labor standards. Once each month LCCSC will perform a complete review of all labor compliance files and will prepare an End of the Month Report (EOM) and forward to **Borrego Water District** and Prime Contractor informing of the status of the labor compliance files. When contractors are delinquent or tardy in providing labor compliance documentation, it will be noted and LCCSC will inform **Borrego Water District** department so they may withhold progress payment as needed.

#### **D. Correction of Violations**

In the event that non-compliance of labor standards results in underpayment to employees, LCCSC will take immediate action limited to the following:

1. **Notification:** LCCSC shall immediately notify **Borrego Water District** and the prime contractor of wage adjustments and requirements and shall notify the contractor in violation to immediately provide restitution and revisions to the certified payroll reports.
2. **Withhold Funds:** LCCSC shall recommend, if applicable, that **Borrego Water District** and the Prime Contractor withhold sufficient funds from the subcontractor to provide restitution to under paid workers or to effectuate compliance and shall obtain full compliance from the subcontractor for any noncompliance issue.

#### **E. Labor Compliance Files**

1. LCCSC shall protect and maintain the labor compliance files in a locked secure cabinet for the duration of the project.
2. Upon completion of all construction activities and the labor compliance auditing requirements, LCCSC will provide to **Borrego Water District** all original and additional copies of the Labor Standards Compliance documentation including but not limited to the certified payroll reports, fringe benefits statements, contracts, daily sign in sheets, contractor's license documentation, etc. **Borrego Water District** shall keep and store for 5 years as required by law.

3. LCCSC shall make the labor standards compliance files available for inspection and review upon request by **Borrego Water District** or to any State or Federal agency that has jurisdiction over this public works project and after construction activities have ceased. Upon request, LCCSC shall assist with any audit or review.

#### F. Reports

1. LCCSC shall prepare and submit all monthly, semi-annual and final reports, so that the **Borrego Water District** has sufficient time for review prior to submitting them to the State of California Department of Housing and Community Development.

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#### FEE SCHEDULE FOR SERVICES

Our 2023-2024 Fee Schedule for Labor Standards Compliance Services is included in this Proposal. Our Fee Schedule shall be updated each calendar year. The updated Hourly Rate Structure for Labor Standards Compliance Services shall be subject to review and approval by **Borrego Water District** prior to implementation on this project.

### VI. FEE SCHEDULE

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#### I. SCHEDULE AND COMPENSATION

LCCSC shall provide Labor Compliance Services as outlined within the contents of this proposal. In the event completion of construction on the project extends beyond the one hundred eighty (180) days, additional services will be billed at the hourly rate per the schedule attached.

#### II. PROPOSED ESTIMATED COSTS

Understanding that the construction has already started and the construction is scheduled for one hundred eighty (180) calendar days. There are preliminary services before the start of construction and post completion services. LCCSC shall provide **Borrego Water District** with the Labor Standards Compliance Services requirements with a not to exceed amount of **\$12,800.00**

**LCCSC's services shall be invoiced in eight (8) monthly installments of \$1600.00 at the end of each month beginning with the notice to proceed.**

In the event that construction time exceeds 180 days, or delays are caused by a contractor or subcontractor's noncompliance, the additional services shall be billed at the hourly rate.

**Not to Exceed Costs: \$12,800.00**

**HOURLY RATE AND REIMBURSABLE EXPENSE SCHEDULE FOR ADDITIONAL SERVICES**

*Effective January 1, 2023 through December 31, 2024*

<b>Labor Standards Services</b>	
Senior Labor Compliance Officer	\$90.00/hour
Bilingual Interviewer	\$75.00/hour

**Prepared by:**

*Crystal Ransdell*

**April 24, 2023**

**Crystal A. Ransdell  
Labor Compliance Consultants of Southern California  
P.O. Box 15937  
San Diego, CA 92175  
760-791-6914**

BORREGO WATER DISTRICT  
BOARD OF DIRECTORS MEETING  
MAY 9, 2023  
AGENDA ITEM II.C

May 2, 2023

TO: Board of Directors

FROM: Geoffrey Poole, General Manager

SUBJECT: Borrego Springs Rd and Sun Gold Pipeline Design – G Poole

**RECOMMENDED ACTION:**

Authorize \$155,000 for pipeline design services by Dynamic Engineering

**ITEM EXPLANATION:**

In late 2022, BWD received a Direct Congressional Spend from Padilla/Issa for \$4.4 M (80% funding). Replacement of pipelines in the Sun Gold development and installation of a new transmission main in Borrego Springs Rd are the 2 projects receiving the funding. Staff recommends approval of the attached Proposal for design and bidding services of Dynamic Engineering for the two projects.

**NEXT STEPS**

1. Proceed with Design

**FISCAL IMPACT**

\$155,000

**ATTACHMENTS**

1. Proposal



April 3, 2023

**Borrego Water District**  
806 Palm Canyon Drive  
Borrego Springs, CA 92004

Attn: Geoff Poole, General Manager

**RE: PROPOSAL FOR THE PREPARATION OF PLANS, SPECIFICATIONS AND BID DOCUMENTS FOR THE BORREGO SPRINGS RD. AND SUN GOLD WATER TRANSMISSION LINES.**

Dynamic Consulting Engineers, Inc (DCE) appreciates the opportunity to present this cost proposal to prepare plans, specifications and bid documents for the Borrego Water District Borrego Springs Road Water Transmission Pipelines (Approximately 5,700 lf) and for the Sun Gold Water Transmission Pipeline Replacement Project (Approximately 15,200 ft).

**SCOPE OF WORK AND PROPOSED FEES:**

1.1	DCE will perform field topographic survey and preparation of base map. DCE will set vertical and horizontal control.	\$17,200.00
1.2	DCE will research record maps and existing establish right of ways and recorded easements.	\$6,500.00
1.3	DCE will prepare engineering drawings for the approximately 21,000 linear feet of water transmission pipeline plans.	\$118,700.00
1.4	DCE will prepare specifications and bid documents.	\$7,200.00
1.5	DCE will prepare construction engineer’s estimate.	\$1,700.00

**Total = 151,300.00**

DCE PROPOSES TO COMPLETE THE ABOVE MENTIONED SCOPE OF WORK FOR A LUMP SUM FEE OF: **\$151,300.00**

Permitting Fees if required by any governing agency are not included in this cost proposal.

Thank you for giving Dynamic Consulting Engineers, Inc the opportunity to serve you. If you have any question please feel free to call me at (760) 545-0162.

Sincerely,



Carlos Beltran, P.E.  
Principal Engineer  
Dynamic Consulting Engineers, Inc.

Tentative Schedule from Notice to Proceed:

- Field Survey and Preparation of Base Map – 2 Weeks
- Prepare 65% Engineering Plans – 4 Weeks
- BWD to Review Plans – 1 Week
- Prepare 90% Engineering Plans – 2 Weeks
- BWD to Perform Final Review – 1 Week
- Prepare 100 Percent Plans, Specs and Bid Documents – 2 Weeks

We estimate twelve (12) weeks from the Notice to Proceed to completion of Plans, Specifications and Bid Documents.