



BOARD PRESIDENT
John P. Powell Jr.
DIVISION 3

VICE PRESIDENT
Castulo R. Estrada
DIVISION 5

**OFFICIAL MINUTES
REGULAR MEETING
OF THE COACHELLA
VALLEY WATER
DISTRICT BOARD OF
DIRECTORS**

DIRECTOR
John Aguilar
DIVISION 1

DIRECTOR
Anthony Bianco
DIVISION 2

DIRECTOR
Peter G. Nelson
DIVISION 4

September 27, 2022

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

President Powell called the regular meeting of the Board of Directors of the Coachella Valley Water District to order at 8:05 a.m., Tuesday, September 27, 2022, at the office of the District in Coachella, California. The Pledge of Allegiance was led by President Powell.

2. ROLL CALL

Present: Board President John Powell
Vice President Castulo Estrada arrived at 8:37 a.m.
Director John Aguilar
Director Anthony Bianco
Director Peter Nelson

Absent: None

Staff Present: General Manager Jim Barrett
Counsel Jeremy Holmes, for General Counsel Jeff Ferre
Clerk Sylvia Bermudez

3. ADDITIONS/DELETIONS/ADJUSTMENTS TO THE AGENDA

In accordance with the section 54954.2 of the Government Code additions to the agenda require a two-thirds vote of the legislative body, or, if less than two-thirds of the members are present, a unanimous vote of those members present, which makes the determination that there is a need to take action, and the need to take action arose after the posting of the Agenda.

- A. No items removed or continued from the Agenda
- B. No emergency items added to the Agenda
- C. No changes to the order of the Agenda

4. PUBLIC COMMENT

Ventura Gutierrez commented on the growth and development of the City of Coachella and the eastern valley. Ed Luna commented on the termination of the contract between IID, CVWD and the energy service; and Robert Griffith introduced himself to board and shared news of his appointment to vacant seat of Randy Duncan/District 2 of Mission Springs Water District

5. SPECIAL PRESENTATION & RECOGNITIONS

- A. Employee Recognition for the month of September 2022

Retirement

Geoffrey Kiehl, Director of Finance, 4 years

6. CONSENT CALENDAR

- A. Administration – General Manager's Report of Activities for August 2022
- B. Administration – Accept and file the General Manager's Report of Authorizations, Executions, and Acceptance of Documents during the month of August 2022
- C. Clerk of the Board – Accept and file the Secretary's Report of Written Instruments Accepted and Recorded during the month of August 2022
- D. Clerk of the Board – Affirm Resolution No. 2022-10, extending the use of the provisions found in Government Code Section 54953(e), and findings related to the State of Emergency due to COVID-19 that authorize the continued use of remote teleconferencing provisions pursuant to AB 361 and Government Code Section 54953
- E. Clerk of the Board – Approve the Minutes of the September 13, 2022 Coachella Valley Water District Board of Directors Regular Meeting
- F. Engineering – Approve and authorize the General Manager to execute Task Order No. 22-12 with Northwest Hydraulic Consultants (NHC) in the amount of \$29,369 to Prepare a Letter of Map Revision (LOMR) and Emergency Preparedness Plan (EPP) for the East Side Dike Improvement Project - Phase 1
- G. Environmental Services – Approve and authorize the General Manager to Execute Task Order No. 10 to the Professional Services Agreement with Todd Groundwater in the amount of \$97,257 to prepare the Indio

Subbasin Annual Report for Water Year 2021-2022 in accordance with the Sustainable Groundwater Management Act

- H. Finance – Accept and file Fiscal Year 2022 Budget to Actual Financial Report for the Quarter Ending June 30, 2022

On a motion by Director, Anthony Bianco second by Director, Peter Nelson, the board approved the Consent Calendar as presented.

Approved by the following roll vote:

Ayes: Powell, Aguilar, Bianco, Nelson

Noes: None

Absent: Estrada

Abstain: None

Recuse: None

Motion Passed: 4-0

7. ITEMS PULLED FROM CONSENT CALENDAR FOR DISCUSSION

No items pulled from Consent Calendar for discussion.

8. ACTION CALENDAR

Engineering

- A. **Approve the Solicitation of Bids for the Construction of the Johnson Street Drain Improvement Project (IR2101)**
RECOMMENDED ACTION: Approve the solicitation of bids for the construction of the Johnson Street Drain Improvement Project, which is located within Avenue 68 and Hammond Road north of Highway 111 near Mecca, CA.

On a motion by Director, John Aguilar second by Director, Anthony Bianco, the board approved the solicitation of bids for the construction of the Johnson Street Drain Improvement Project (IR2101), located within Avenue 68 and Hammond Road, north of Highway 111 near Mecca.

Approved by the following vote:

Ayes: Powell, Aguilar, Bianco, Nelson

Noes: None

Absent: Estrada

Abstain: None

Recuse: None

Motion Passed: 4-0

Finance

- B. **Approve Resolution No. 2022-52 authorizing the General Manager to execute a Financial Assistance Application with the State Water**

Resources Control Board (SWRCB) through the Drinking Water State Revolving Fund Program (DWSRF) for the East Coachella Valley Planning Project

RECOMMENDED ACTION: Approve Resolution No. 2022-52 authorizing the General Manager to execute a Financial Assistance Application with the State Water Resources Control Board (SWRCB) through the Drinking Water State Revolving Fund Program (DWSRF) for the East Coachella Valley Planning Project.

On a motion by Director, Anthony Bianco second by Director, John Aguilar, the board approved Resolution No. 2022-52, authorizing the General Manager to execute a financial assistance application with the State Water Resources Control Board (SWRCB) through the Drinking Water State Revolving Fund Program (DWSRF) for the East Coachella Valley Planning Project.

Approved by the following vote:

Ayes: Powell, Aguilar, Bianco, Nelson

Noes: None

Absent: Estrada

Abstain: None

Recuse: None

Motion Passed: 4-0

Human Resources

- C. **Authorize the purchase of Directors and Officers Liability Insurance for an amount up to \$630,000 with AEGIS for the period of September 29, 2022, through September 28, 2023**

RECOMMENDED ACTION: Authorize the purchase of Directors and Officers liability insurance coverage for an amount up to \$630,000 with AEGIS.

On a motion by Director, Anthony Bianco second by Director, John Aguilar, the board approved the purchase of Directors and Officers Liability Insurance for an amount up to \$630,000 with AEGIS for the period of September 29, 2022 through September 28, 2023.

Approved by the following vote:

Ayes: Powell, Aguilar, Bianco, Nelson

Noes: None

Absent: Estrada

Abstain: None

Recuse: None

Motion Passed: 4-0

9. INFORMATIONAL ITEMS AND REPORTS

- A. Written Communications to the Board as filed

10. BOARD COMMENTS AND REQUESTS FOR FUTURE AGENDA ITEMS

- A. Board General Comments

- Director Nelson commented on discussions continuing between seven basin states regarding dry hydrology on the river: and a Water Education Foundation biannual Colorado River Symposium.
- Directors Aguilar, Bianco, Estrada and Powell had no report.

- B. Board Requests for Future Agenda Items

No future agenda items requested.

11. BOARD MEETING REPORTS

- A. Meetings and Conference Reports

- September 14, 2022, Colorado River Board Meeting (Director Nelson) - Director Estrada did not attend
- September 14, 2022, Disadvantaged Community Infrastructure Task Force Meeting (Director Estrada) - Director Powell did not attend
- September 15, 2022, Coachella Valley Conservation Commission Meeting (Director Bianco)
- September 22, 2022, Finance Committee Meeting (Directors Aguilar and Estrada)

Additional Meetings Reported:

- September 15, 2022, Conference call with Chris Harris, Colorado River Board Executive Director and tribal Matt Keeny and Daryl Vigil to discuss tribal engagement across the Colorado River Basin
- September 16, 2022, Basin states discussions (Director Nelson)
- September 20-25, 2022, Panelist for Water Education Foundation's Biennial Colorado River Symposium and Tour
- September 26, 2022, Principals Debrief & Next Steps (Director Nelson)

- B. Approval of per diem for meetings reported

On a motion by Director John Aguilar, second by Director Anthony Bianco, the board approved

Approved by the following vote:

Ayes: Powell, Estrada, Aguilar, Bianco, Nelson

Noes: None

Absent: None

Abstain: None

Recuse: None

Motion : 5-0

12. REPORTS

- A. General Manager - Jim Barrett provided an update on COVID numbers.
- B. Counsel - Jeremy Holmes of Best, Best & Krieger reported he was sitting in for Jeff Ferre, General Counsel.
- C. Departments - No department reports.

13. CLOSED SESSION AGENDA

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9.
Two (2) Cases
- B. CONFERENCE WITH LABOR NEGOTIATORS - Pursuant to Government Code Section 54957.6 - Agency Negotiator: Jay Trinnaman, Scott Hunter, Dan Charlton, Bill Walters, Chris Chaffin - Employees' Organization: Coachella Valley Water District Employee Association (CVWDEA).
- C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9 Name of Case: Worker's Compensation – Jose Alonzo Claim Numbers: CV-06-0500077, CV-06-0500058, CV-03-0500042, CV-03-0500041, CV-97-0500017, CV-94-0500078 (WCAB ADJ2157792, ADJ4261390, ADJ2906894)

14. RECONVENE

- A. Report out of Closed Session

President Powell reconvened the meeting to open session and announced there were no reportable actions.

15. ADJOURNMENT

There being no further business to discuss, President Powell adjourned the meeting at 10:48 a.m. The next regular scheduled Board of Directors meeting is scheduled for Tuesday, October 11 at 6:00 pm. in the Steve Robbins Administration Building, located at 75515 Hovley Lane, Palm Desert.