



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**

November 08, 2022

DIRECTOR

John Aguilar
DIVISION 1

DIRECTOR

Anthony Bianco
DIVISION 2

DIRECTOR

Peter G. Nelson
DIVISION 4

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

President Powell called the regular meeting of the Oasis Board of the Coachella Valley Water District to order at 8:03 a.m., Tuesday, November 8, 2022, at the office of the District in Palm Desert, California.

2. Present:

Board President John Powell
Vice President Castulo Estrada
Director John Aguilar

Absent:

Director Anthony Bianco
Director Peter Nelson

Staff Present:

General Manager Jim Barrett
General Counsel Jeff Ferre
Clerk Sylvia Bermudez

3. OTHER BOARDS - MEETING OF THE OASIS PROJECT BOARD

- A. Certify California Environmental Quality Act (CEQA) Addendum No.1 to the Oasis Area Irrigation Expansion Project Final Environmental Impact Report (FEIR) and authorize staff to file a Notice of Determination**
RECOMMENDED ACTION: It is recommended that the Board of Directors Certify California Environmental Quality Act (CEQA) Addendum No.1 to the Oasis Area Irrigation Expansion Project Final Environmental Impact Report (FEIR) and authorize staff to file a Notice of Determination.

On a motion by Director, John Aguilar second by Vice President, Castulo Estrada, the board, certified California Environment Quality Act (CEQA) Addendum No. 1 to the Oasis Area Irrigation Expansion Project Final Environmental Impact Report (FEIR) and authorized staff to file a Notice of Determination.

Approved by the following vote:

Ayes: Powell, Estrada, Aguilar

Noes: None

Absent: None

Abstain: None

Recuse: Bianco, Nelson
Motion Passed: 3-0

4. CALL TO ORDER OF THE FULL BOARD/PLEDGE OF ALLEGIANCE

President Powell called the regular meeting of the Coachella Valley Water District Board of Directors to order. The Pledge of Allegiance was led by President Powell.

5. ROLL CALL OF FULL BOARD

Present: Board President John Powell
Vice President Castulo Estrada
Director John Aguilar
Director Anthony Bianco
Director Peter Nelson

Absent: None

Staff Present: General Manager Jim Barrett
General Counsel Jeff Ferre
Clerk Sylvia Bermudez

6. 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

7. PUBLIC COMMENT

Mr. Ed Luna provided public comment.

8. CONSENT CALENDAR

- A. Administration – Approve payment of Association of California Water Agencies (ACWA) 2023 Annual Agency Dues in the amount of \$44,465
- B. Administration – Approve payment of California Special Districts Association (CSDA) 2023 Annual Membership Dues in the amount of \$8,810

- C. Clerk of the Board – Minutes of the October 25, 2022 Coachella Valley Water District Board of Directors Meeting
- D. Engineering – Adopt Resolution No. 2022-53 Declaring APN 779-370-005 to be Exempt Surplus Land under the Surplus Land Act, approve the sale of said parcel to Monroe 52 Builders, LLC; authorize the General Manager to execute a Purchase And Sale Agreement; and make a finding that said actions are exempt under the California Environmental Quality Act
- E. Environmental Services – Approve payment of 2023 Water Research Foundation Annual Subscription Renewal for the period of December 2022 through November 2023 in the amount of \$63,876
- F. Environmental Services – Adopt Resolution No. 2022-54 to authorize Round 2 Sustainable Groundwater Management Act Implementation Grant Application for the Mission Creek Subbasin
- G. Environmental Services – Adopt Resolution No. 2022-55 to authorize Round 2 Sustainable Groundwater Management Act Implementation Grant Application for the Indio Subbasin
- H. Environmental Services – Adopt Resolution No. 2022-56 to authorize Grant Application for the 2022 Urban Community Drought Relief Program
- I. Finance – Approve and authorize the General Manager to execute a Professional Services Agreement with Woodard & Curran for On-Call Grant Research and Writing over the next three years, with two additional optional years in the not to exceed amount of \$500,000 annually
- J. Operations – Approve and authorize the General Manager to execute the Nonpotable Water Agreement for The Palms
- K. Operations – Approve and authorize the General Manager to execute a Contract Services Agreement with KORD Fire Protection (KORD) in the amount of \$162,070 for Fire Safety System Improvement and Testing, and approve additional expenditures for a total request of \$170,000
- L. Service & Communication – Approve and authorize the General Manager to execute the Coachella Valley Water District and City of Palm Desert Cost-Share Agreement for Cooperative Turf Rebate Program

On a motion by Director, Peter Nelson second by Director, John Aguilar, the board approved the Consent Calendar items 8A through 8L.

Approved by the following roll vote:

Ayes: Powell, Estrada, Aguilar, Bianco, Nelson

Noes: None

Absent: None
Abstain: None
Recuse: None
Motion Passed: 5-0

9. ITEM(S) PULLED FROM CONSENT CALENDAR FOR DISCUSSION
None.

10. ACTION CALENDAR

Administration

- A. **Authorize General Manager to execute Agreement No. 23-XX-30-W0749 with the U.S. Bureau of Reclamation and CVWD for the conservation of Colorado River in Calendar Year 2022 through replenishment curtailment (volume of 9,083 acre-ft)**
RECOMMENDED ACTION: It is recommended that the Board of Directors authorize the General Manager to execute Agreement No. 23-XX-30-W0749 with the United States, acting through the Department of Interior, Bureau of Reclamation (Reclamation) and CVWD for the conservation of Colorado River through replenishment curtailment in Calendar Year (CY) 2022 (CY22) at a fixed price of \$261.60/af for a volume of 9,083 acre-ft (af).

On a motion by Director, Peter Nelson second by Board President, John Powell, the board approved and authorized the General Manager to execute Agreement No. 23-XX-30-W0749 with the United States, acting through the Department of Interior, Bureau of Reclamation (Reclamation) and CVWD for the conservation of Colorado River through replenishment curtailment in calendar year 2022 at a fixed price of \$261.60/af for a volume of 9,083 acre-ft.

Ayes: Powell, Estrada, Aguilar, Bianco, Nelson

Noes: None

Absent: None

Abstain: None

Recuse: None

Motion: 5-0

- B. **Authorize the General Manager to submit proposals for voluntary participation in the U.S. Bureau of Reclamation Lower Colorado Conservation and Efficiency Program**
RECOMMENDED ACTION: Authorize the General Manager to submit the following proposals: 1. CVWD's Colorado River Water Conservation Program 2. Thomas E. Levy Replenishment Facility Recharge Curtailment Program for three-year terms (calendar years (CYs) 2023 through 2025) in response to the U.S. Bureau of Reclamation's (Reclamation's) Funding

Opportunity for Voluntary Participation in the Lower Colorado Conservation and Efficiency Program (LC Conservation Program)

On a motion by Director, Peter Nelson second by Board President, John Powell, the board approved and authorized the General Manager to submit the following proposals for voluntary participation in the U.S. Bureau of Reclamation Lower Colorado Conservation and Efficiency Program: 1) CVWD's Colorado River Water Conservation Program; 2) Thomas E. Levy Replenishment Facility Recharge Curtailment Program for three-year terms (CY 2023 through CY 2025) in response to the U.S. Bureau of Reclamation's Funding Opportunity for Voluntary Participation in the Lower Colorado Conservation and Efficiency Program.

Approved by the following vote:

Ayes: Powell, Estrada, Aguilar, Bianco, Nelson

Noes: None

Absent: None

Abstain: None

Recuse: None

Motion : 5-0

Clerk of the Board

C. **Approve Resolutions Updating the Authorized Banking Signatory for Coachella Valley Water District**

RECOMMENDED ACTION: Approve the four (4) resolutions, updating authorized personnel for the investment and banking transactions for the Coachella Valley Water District: Resolution No. 2022-57, A Resolution Designating Authorized Representatives to Transfer Funds Resolution No. 2022-58, A Resolution Designating Authorized Representatives to Sign Checks Resolution No. 2022-59, A Resolution Designating Authorized Representatives for U.S. Bank Transactions Resolution No. 2022-60, A Resolution Authorizing Investment of CVWD Monies in Riverside County Treasurer's Pooled Investment Fund

On a motion by Director, John Aguilar second by Director, Anthony Bianco, the board approved four resolutions, updating authorized personnel for the investment and banking transactions for the Coachella Valley Water District:

Resolution No. 2022-57, A resolution designating authorized representatives to transfer funds

Resolution No. 2022-58, A resolution designating authorized representatives to sign checks

Resolution No. 2022-59, A resolution designating authorized representatives for U.S. Bank transactions

Resolution No. 2022-60, A resolution authorizing investment of CVWD monies in Riverside County Treasurer's Pooled Investment Fund

Approved by the following vote:
Ayes: Powell, Estrada, Aguilar, Bianco, Nelson
Noes: None
Absent: None
Abstain: None
Recuse: None
Motion Passed: 5-0

Service & Communication

- D. **Authorize the General Manager to execute the Memorandum of Understanding by and among Colorado River Basin Municipal and Public Water Providers to demonstrate the District's commitment to reduce water consumption and increase reuse and recycling within the District's service area**

RECOMMENDED ACTION: Authorize the General Manager to execute the Memorandum of Understanding by and among Colorado River Basin Municipal and Public Water Providers to demonstrate the District's commitment to reduce water consumption and increase reuse and recycling within the District's service area.

On a motion by Director, Peter Nelson second by Director, John Aguilar, the board approved and authorized

Ayes: Powell, Estrada, Aguilar, Bianco, Nelson
Noes: None
Absent: None
Abstain: None
Recuse: None
Motion: 5-0

- E. **Accounts Payable and Cash Disbursement Policy Exception for Conservation Rebate Program Payments Over \$75,000**

RECOMMENDED ACTION: Grant an exception to the Coachella Valley Water District (CVWD) Accounts Payable and Cash Disbursement Policy that allows the General Manager to sign Conservation Rebate Program check requests over \$75,000.

The board tabled this item and directed staff to return at a future date with a redline draft of the policy.

11. INFORMATIONAL ITEMS AND REPORTS

- A. Written Communications to the Board as filed
- B. Informational Presentations to the Board

1. Presentation of Draft CVWD Legislative & Policy Platform for 2023-2024 by Victoria Llorc, Government & Regional Affairs Coordinator.

12. BOARD COMMENTS AND REQUESTS FOR FUTURE AGENDA ITEMS

A. Board General Comments

- There were no reports from the Board; they did remind people to vote and wished everyone a Happy Thanksgiving.

B. Board Requests for Future Agenda Items – None

13. BOARD MEETING REPORTS

A. Meetings and Conference Reports

- i. September 7, 2022, North Shore Elementary School PreDevelopment Meeting (Director Estrada)
- ii. September 29, 2022, All Valley Mayors and Tribal Chairpersons Luncheon (Director Estrada)
- iii. October 4, 2022, Strategic Planning Workshop 2022 (Director Estrada)
- iv. October 10, 2022, Speaker for Community Water Systems Alliance Tour (Director Estrada)
- v. October 12, 2022, Colorado River Board Meeting (Director Estrada)
****did not attend**
- vi. October 13, 2022, Salton Sea Authority Board Meeting (Director Estrada)
- vii. October 19, 2022, Desert Valleys Builders Association October Public Officials Luncheon (Director Estrada)
- viii. October 24 to October 25, 2022, CalMutuals Annual Meeting (Director Estrada)
- ix. October 27, 2022, 7 Basin States & USBR Department of the Interior Conference Call (Director Nelson)
- x. October 27, 2022, Colorado River Hydrology Update to “Growing Coachella Valley” (Director Nelson)
- xi. October 31, 2022, Coachella Valley Economic Partnership Summit (Director Powell)

Additional Meetings Reported

- xii. October 28, 2022, North Shore Elementary School Groundbreaking (Director Estrada)

B. Approval of Per Diem for Meetings Reported

On a motion by Director, Peter Nelson second by Director, Anthony Bianco, the board approved per diem for meetings reported.

Approved by the following vote:

Ayes: Powell, Estrada, Aguilar, Bianco, Nelson

Noes: None

Absent: None

Abstain: None

Recuse: None

Motion Passed: 5-0

14. REPORTS

- A. General Manager, Jim Barrett, reported Director of Engineering Services, Steve Bigley announced his retirement; informed the Board, the District is currently recruiting for a Risk Manager, Chief Inspector, and 6-7 vacancies in engineering and finance. Also, provided an update on COVID data.
- B. Counsel, Jeff Ferre had no report
- C. Departments – No reports

15. 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.
Three (3) Cases
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9) Name of case: Coachella Valley Water District v. Imperial Irrigation District, Case, Los Angeles County Case No. 22STCV00356
- C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code §54956.9 (a) Name of Case: Howard Jarvis Taxpayers Association v. Coachella Valley Water District, RIC 1825310 (SWP Mandate):
- D. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code §54956.9 (a) Name of Case: Howard Jarvis Taxpayers Association v. Coachella Valley Water District, RIC 1904943 (Canal)
- E. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code §54956.9 (a) Name of Case: Howard Jarvis Taxpayers Association v. Coachella Valley Water District, RIC 1905897,

Fourth District Court of Appeal Case Nos. E079712 and E079078 (RAC Mandate)

- F. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code §54956.9 (a) Name of Case: Howard Jarvis Taxpayers Association v. Coachella Valley Water District, PSC 1904774, Fourth District Court of Appeal Case No. E078411 (MVP Lawsuit)
- G. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code §54956.9 (a) Name of Case: Howard Jarvis Taxpayers Association v. Coachella Valley Water District, PSC 1905977 (SWP Validation FY2020):
- H. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code §54956.9 (a) Name of Case: Howard Jarvis Taxpayers Association v. Coachella Valley Water District, PSC 2003606 (RAC Validation FY2021)
- I. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code §54956.9 (a) Name of Case: Howard Jarvis Taxpayers Association v. Coachella Valley Water District, PSC 2003702 (SWP Validation FY2021)
- J. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code §54956.9 (a) Name of Case: Howard Jarvis Taxpayers Association v. Coachella Valley Water District, CVRI 2103373 (RAC Validation FY2022)
- K. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code §54956.9 (a) Name of Case: Howard Jarvis Taxpayers Association v. Coachella Valley Water District, CVPS 2102910 (SWP Validation FY2022)
- L. PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Pursuant to Government Code Section 54947
Title: General Manager

16. RECONVENE

- A. Report out of Closed Session

President Powell convened the meeting to open session and reported there were no reportable actions.

17. ADJOURNMENT

There being no further business to discuss, President Powell adjourned the meeting at 11:20 a.m. The next regularly scheduled meeting is on Tuesday, December 13 at 8:00 a.m. in Palm Desert.