



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**

January 10, 2023

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 Coachella Valley Water District Board of Directors to order at 8:00 a.m., Tuesday, January 10, 2023, at the office of the District in Palm Desert, California.

2 ROLL CALL

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

3. ADDITIONS/DELETIONS/ADJUSTMENTS TO THE AGENDA

No additions, deletions or adjustments to the agenda.

4. PUBLIC COMMENT

No Public Comment received.

5. SPECIAL PRESENTATION & RECOGNITIONS

A. Employee Recognitions for January 2023
Retirements

Tina Merrill, Purchasing Technician I, 25 years
Mary Saichaie, Administrative Assistant I, 8 years (not attending)

6. CONSENT CALENDAR

- A. Administration – Approve payment of The Greater Coachella Valley Chamber of Commerce 2023 Annual Membership Dues in the amount of \$710
- B. Clerk of the Board – Approve Minutes of December 13, 2022, Regular Meeting of the Coachella Valley Water District Board of Directors
- C. Clerk of the Board – Extend 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
- D. Finance – Receive and file the District's Annual Comprehensive Financial Report (ACFR) and financial audit reports for Fiscal Year Ending June 30, 2022
- E. Operations – Approve and authorize the General Manager to execute a Contract Services Agreement with B-81 Paving, Inc., in an amount not-to-exceed \$258,300 annually for On-call Roadway and Hardscape Repair Services

On a motion by Director, John Aguilar second by Director, Peter Nelson, the board approved the Consent Calendar items 6A through 6E.

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 were pulled from Consent Calendar.

8. ACTION CALENDAR

Administration

- A. **Review of current Board committee appointments and update for the 2023 year**
RECOMMENDED ACTION: It is recommended the Board President review the current committee assignments and update for the 2023 year.

On a motion by Board President, John Powell second by Director, Peter Nelson, the board approved the Board committee assignments with the following edits: add Director Nelson as a member to CVILC; remove Director Bianco from the Salton Sea Authority and add Director Aguilar.

Approved by the following vote:
Ayes: Powell, Aguilar, Bianco, Nelson
Noes: None
Absent: Estrada
Abstain: None
Recuse: None
Motion Passed: 4-0

Engineering

- B. **Award a Construction Contract to Chaffee Construction, in the amount of \$545,500 for the Hydropneumatic Tank Replacement - Phase 2 (3 Tanks) Project, Specification No. 2022-30, authorize the General Manager to execute the Construction Contract with Chaffee Construction, and approve additional expenditures for a total request of \$625,300**

RECOMMENDED ACTION: Approve the following actions related to the Hydropneumatic Tank Replacement – Phase 2 (3 Tanks) Project, Specification No. 2022-30

Award the Construction Contract to Chaffee Construction in the amount of \$545,500 for the Hydropneumatic Tank Replacement – Phase 2 (3 Tanks) Project, Specification No. 2022-30 located in Rancho Mirage and Bombay Beach in Riverside County and Imperial County, respectively.

Authorize the General Manager to execute a Construction Contract with Chaffee Construction for the Hydropneumatic Tank Replacement – Phase 2 (3 Tanks) Project, Specification No. 2022-30

Authorize the following expenditures for a total request of \$625,300

- Project Management and Engineering - \$15,000
- CVWD Inspection - \$13,340 Inspection services for this project will be provided by CVWD inspection staff and/or CVWD's on-call inspection consultant firms. If an on-call inspection firm is used, a Task Order will be executed and issued substantially the same form and content as the attached task order.
- CVWD Forces (labor & materials) – \$16,685
- Task Order with Atlas Engineering, Inc. (CVWD On-Call) for Soil Compaction and Concrete Testing - \$5,000
- Contingency (5%) - \$29,775

On a motion by Director, Peter Nelson second by Director, Anthony Bianco, the board approved

Approved by the following vote:

Ayes: Powell, Aguilar, Bianco, Nelson

Noes: None

Absent: Estrada

Abstain: None

Recuse: None
Motion Passed: 4-0

- C. **Approve and authorize the General Manager to execute the Joint Community Facilities Agreement between CVWD and NCP Verano LLC for the Verano Development, execute related documents to the Agreement, and approve Resolution No. 2023-01**
RECOMMENDED ACTION: Authorize the General Manager to execute the Joint Community Facilities Agreement (Agreement) between CVWD and NCP Verano LLC (Verano), and approve Resolution No. 2023-01. It is further recommended that the General Manager is authorized to execute related documents to the Agreement, which are not monetary or material in nature.

On a motion by Director, John Aguilar second by Director, Peter Nelson, the board approved the following actions:

- authorized the General Manager to execute the Joint Community Facilities Agreement between CVWD and NCP Verano LLC for the Verano Development
- authorized the execution of related documents to the agreement
- approved Resolution No. 2023-01, a resolution authorizing the California Statewide Communities Development Authority to form a Community Facilities District within the territorial limits of the Coachella Valley Water District to finance certain public improvements and development charges.

Approved by the following vote:

Ayes: Powell, Aguilar, Bianco, Nelson

Noes: None

Absent: Estrada

Abstain: None

Recuse: None

Motion Passed: 4-0

Operations

- D. **Approve and authorize the General Manager to execute the Nonpotable Water Agreement for Southwest Community Church**
RECOMMENDED ACTION: Approve and authorize the General Manager to execute the Nonpotable Water Agreement (Agreement) for Southwest Community Church (Southwest).

On a motion by Board President, John Powell second by Director, John Aguilar, the board approved and authorized the General Manager to execute the Nonpotable Water Agreement for Southwest Community Church.

Approved by the following vote:

Ayes: Powell, Aguilar, Bianco, Nelson

Noes: None

Absent: Estrada

Abstain: None
Recuse: None
Motion Passed: 4-0

Service & Communication

- E. **Authorize an Increase to the Conservation Program Payments budget in the amount of \$5 million to fund additional rebate program participation**

RECOMMENDED ACTION: Authorize an increase to the Conservation Program Payments budget in the amount of \$5 million to fund additional rebate program participation.

On a motion by Board President, John Powell second by Director, Peter Nelson, the board approved an increase to the Conservation Program Payments budget in the amount of \$7.5 million to fund additional rebate program participation and directed staff to increase press releases related to the program.

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
B. Informational Presentations to the Board

1. CVWD's Federal Affairs & Advocacy Team to provide a "Year in Review" and Outlook for the 118th Congress.

10. BOARD COMMENTS AND REQUESTS FOR FUTURE AGENDA ITEMS

- A. Board General Comments

- Director Nelson reported on the following: recent rainfall increased inflow between Lake Shasta and Orville, Oroville is now at 46 percent capacity, with 1.6M af of 3.5M af. The 8 Station shows snow-water is at 134% above normal. The Colorado runoff forecast above average at 6.99m acre-feet of unregulated inflow into Lake Powell, just above average snow water equivalent of 128%. Conversations taking place regarding consensus-based plan to open the 2007 Interim Operating Guidelines with Seven Basin States. Announced his term as chair of the Colorado

River Board is ending and he will not be seeking re-election as chair but will remain on the board.

- Director Aguilar suggested the District resume the 2:2 meetings with partner cities.

B. Board Requests for Future Agenda Items - No requests.

11. BOARD MEETING REPORTS

A. Meeting and Conference Reports

- i. December 12, 2022 7 Basin States Framework Discussion (Director Nelson)
- ii. December 14, 2022 to December 16, 2022 Colorado River Water Users Association Conference (Directors Nelson, Aguilar, Bianco and Estrada)
- iii. December 14, 2022 Colorado River Board Meeting (Directors Nelson)
- iv. December 14, 2022 Metropolitan Water District (MWD) and CVWD Lunch Meeting (Directors Nelson and Estrada)
- v. December 14, 2022 MWD – Partnerships on the River Reception (Directors Nelson, Aguilar, Bianco and Estrada)
- vi. December 15, 2022 San Diego County Water Authority and CVWD Lunch Meeting (Directors Nelson and Estrada)
- vii. December 21, 2022 Prep Discussion with staff for Coachella Valley Golf and Water Summit (Director Nelson)
- viii. December 22, 2022 Prep Call with staff regarding call with Congressman Ruiz on funding for Valley View Project (Director Estrada)
- ix. December 22, 2022 Call with Congressman Ruiz regarding funding for Valley View Project (Director Estrada)

B. Approval of per diem for meetings reported

On a motion by Director, John Aguilar second by Board President, John Powell, the board approved per diem for meetings reported.

Approved by the following vote:

Ayes: Powell, Aguilar, Bianco, Nelson

Noes: None

Absent: Estrada

Abstain: None

Recuse: None

Motion Passed: 4-0

12. REPORTS

A. General Manager, Jim Barrett provided an update on COVID 19 data.

- B. Counsel, Jeff Ferre, provided an update on AB 361 and teleconferencing options under AB 2449.
- C. Departments – None

13. CLOSED SESSION AGENDA

- A. CONFERENCE WITH LABOR NEGOTIATOR Pursuant to Government Code Section 54957.6
Agency Negotiator: General Manager
Unrepresented Employees: Administrative, Supervisory, and Executive Employees
- B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION: Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9.
One (1) Case.

14. RECONVENE

- A. Report out of Closed Session
President Powell convened the meeting to open session and reported there were no reportable actions.

15. ADJOURNMENT

There being no further business to discuss, President Powell adjourned the meeting at 9:22 a.m. The next regularly scheduled meeting is on Tuesday, January 24, 2023, at 8:00 a.m. at CVWD's Coachella Campus.