



DIVISION 1
Patrick O'Dowd
Director

DIVISION 2
Anthony Bianco
Director

DIVISION 3
John Powell
President

DIVISION 4
Peter G. Nelson
Director

DIVISION 5
Castulo Estrada
Vice President

Steve Robbins
Administration
Building Board
Chambers

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

75515 Hovley Lane East
Palm Desert

www.cvwd.org

October 27, 2020

PLEASE NOTE: *the October 27, 2020 Coachella Valley Water District Board of Directors Meeting was conducted pursuant to the Governor's Executive Order N-29-20.*

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 8:03 a.m., Tuesday, October 27, 2020, at the office of the District in Palm Desert, California. President Powell led the Pledge of Allegiance.

2. TELECONFERENCE

The October 27, 2020 Coachella Valley Water District Board of Directors Meeting was conducted pursuant to the Governor's Executive Order N-29-20.

3. ROLL CALL

Present: President John P. Powell, Jr
Vice President Cástulo R. Estrada
Director Anthony Bianco
Director G. Patrick O'Dowd

Absent: Director Peter Nelson

Staff Present: Jim Barrett, General Manager
Jeff Ferre, Counsel
Sylvia M. Bermudez, Clerk of the Board

4. 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. Items removed or continued from the Agenda
 - Item 12A on closed session was removed
- B. No emergency items added to the Agenda
- C. No changes to the order of the Agenda

5. PUBLIC COMMENT

No general public comment received. Written comment letter was submitted for item 9F.

6. APPROVAL OF THE CONSENT CALENDAR

President Powell noted he would be recusing himself from voting on 6N and requested item 6G be pulled for discussion.

On a motion by Director O'Dowd, second by Director Bianco, the Board approved the Consent Calendar as amended and noting the recusal of President Powell from item 6N.

Approved by the following roll call vote:

AYES: Powell, Estrada, Bianco, O'Dowd

NOES: None

ABSENT: Nelson

Motion Passed: 4-0

- A. Approved minutes of the October 13, 2020 Coachella Valley Water District Board of Director's Meeting
- B. Accepted and filed the General Manager's Report of Activities for the month of September 2020
- C. Accepted and filed the General Manager's Report of Authorizations, Executions, and Acceptance of Documents during the month of September 2020
- D. Accepted and filed the Secretary's Report of Written Instruments Accepted and Recorded during the month of September 2020
- E. Authorized the General Manager to execute Task Order No. 3 to the Biennial Professional Services Agreement with Dudek in the amount of \$100,638 for Engineering Services for the Sky Mountain Pressure Zone Enhancements-Thousand Palms Area and approved additional expenditures, for a total cost of \$141,000
- F. Authorized the General Manager to execute a Professional Services Agreement with Humana, in the amount of \$369,289 over a three-year period with the option to renew for two additional one-year terms, for CVWD's Comprehensive Integrated Wellness Program, and approved additional expenditures for a total contract amount of \$400,000
- G. ***ITEM PULLED*** - Authorize the General Manager to execute a Professional Services Agreement (PSA) with SDI Presence, LLC to develop a business (project) plan, including scope of work, and publication of the Request for Proposal (RFP) for a new Utility

Billing (UB) and Enterprise Resource Planning (ERP) systems in the amount of \$62,675

- H. Authorized the General Manager to execute a Contract Services Agreement to Tilley Crane Inspection Service Company, Co., Inc., in the amount of \$42,240 for Crane and Aerial Device Inspection and Certification Services with three additional one-year term extension options in the amount of \$21,120 per year
- I. Approved the following actions relating to the publication of a Public Notice of Accumulated Unclaimed Deposits or Payments for the Purpose of Returning the Unclaimed Funds Back to the Original Issuing Fund:
 - Authorized the issuance of a public notice related to the accumulated unclaimed monies through June 30, 2017 in the amount of \$34,882.40
 - Authorized the use of the unclaimed monies to offset the cost of the publication and any remaining funds should be returned to its original issuing fund
 - Authorized the General Manager to execute appropriate documents on behalf of CVWD
- J. Approved payment of the Water Research Foundation Annual Subscription Renewal in the amount of \$62,015 for the period of December 2020 through November 2021
- K. Approved payment of annual Water Rights Permit fees to State Water Resources Control Board for Fiscal Year 2020-2021 in the amount of \$160,786.44 and authorized payment of the Water Rights Permit fees under protest
- L. Approved payment of the 2021 Association of Metropolitan Water Agencies (AMWA) Membership Dues in the amount of \$8,461
- M. Approved payment of the 2021 WaterReuse Association Dues in the amount of \$10,298.75
- N. Approved the Water Supply Assessment and Water Supply Verification for the Coachella Airport Business Park.

*** Director Powell recused from voting on this item.*

7. DISCUSSION OF ITEMS PULLED FROM CONSENT CALENDAR

- 6.G. **Authorize the General Manager to execute a Professional Services Agreement (PSA) with SDI Presence, LLC to develop a business (project) plan, including scope of work, and publication of the Request for Proposal (RFP) for a new Utility Billing (UB) and Enterprise Resource Planning (ERP) systems in the amount of \$62,675.**

Following a presentation by Geoffrey Kiehl, Director of Finance and Karrie Swaine, Controller, the Board tabled the item and provided direction to staff to return with additional information.

8. INFORMATIONAL REPORTS

- A. Written Communications Received
- B. Informational Reports to the Board
 - i Strategic Plan Update Fiscal Year 2021, Quarter 1 (July - Sept '20), presentation by Robert Cheng, Assistant General Manager
- C. Reports to be Filed
 - i Received and Filed the Coachella Valley Water District Fiscal 2020 Budget vs. Actual Report

9. ACTION ITEMS

- A. **Authorize the General Manager to execute State Water Project Water Supply Contract Amendment No. 23 for Water Management and Adopt CEQA Findings.**

Following a presentation by Robert Cheng, Assistant General Manager, the Board discussed the State Water Project Supply Contract Amendment.

On a motion by Director O'Dowd, second by Director Bianco, the Board adopted Resolution No. 2020-27, authorizing the General Manager to execute Amendment to the State Water Project (SWP) Water Supply Contract between the Department of Water Resources and Coachella Valley Water District (CVWD) clarifying and enhancing water management tools for transfers and exchanges of SWP water, and adopting the California Environmental Quality Act (CEQA) Findings of Fact, and Statement of Overriding Considerations.

AYES: Powell, Estrada, Bianco, O'Dowd

NOES: None

ABSENT: Nelson

Motion Passed: 4-0

- B. **Adopt the revised Procurement Policy.**

Following a presentation by Geoffrey Kiehl, Director of Finance, the Board discussed the revised Procurement Policy.

On a motion by Director Bianco, second by Director O'Dowd, the Board approved the revisions to the Procurement Policy.

AYES: Powell, Estrada, Bianco, O'Dowd

NOES: None

ABSENT: Nelson

Motion Passed: 4-0

- C. **Review of the Supplemental Water Supply Charge.**

Following a presentation by Carrie Oliphant, Director of Engineering, the Board discussed the Supplemental Water Supply Charge.

On a motion by Director O'Dowd, second by Director Bianco, the Board approved staff recommendation to continue to collect the SWSC with new meter installations and that the new WSBFC/SWSC Cost of Service Study include updating the SWSC calculation and methodology.

AYES: Powell, Estrada, Bianco, O'Dowd

NOES: None

ABSENT: Nelson

Motion Passed: 4-0

D. **Award a Construction Contract to Sancon Technologies, as the lowest responsive bidder, in the amount of \$542,014, for the First Tee Junction Box and Sewer Manhole Rehabilitation Project, Specification 2020-12, and approve additional expenditures for a total request of \$671,460.**

Following a presentation by Armando Rodriguez, Engineer Manager, the Board discussed awarding of a construction contract for the First Tee Junction Box and Sewer Manhole Rehabilitation Project.

On a motion by Director Estrada, second by Director Bianco, the Board approved the following actions in regards to the First Tee Junction Box and Sewer Manhole Rehabilitation Project, Specification 2020-12:

- Awarded a construction contract to Sancon Technologies, as the lowest responsive bidder in the amount of \$542,014 for the First Tee Junction Box and Sewer Manhole Rehabilitation Project, Specification 2020-12
- Authorized the General Manager to execute Task Order No. 27 with Krieger & Stewart, Inc., in the amount of \$24,000 to provide engineering services during construction as the Engineer or Record
- Authorized Task Order No. 7 with NV5 in the amount of \$6,246 for soil testing services; and
- Approved additional expenditures in the amount of \$99,200, for a total request of \$671,460:
 - CVWD Project Management and Engineering - \$25,000
 - CVWD Inspection Services – \$20,000
 - Construction Contingency (10%) – \$54,200

AYES: Powell, Estrada, Bianco, O'Dowd

NOES: None

ABSENT: Nelson

Motion Passed: 4-0

E. **Authorize the General Manager to execute a Purchase and Sale Agreement and Joint Escrow Instructions with Lutheran Church Extension Fund--Missouri Synod, APN 691-070-017 for the North Indio Flood Control Project (SW0005).**

Following a presentation by David Wilson, Engineer Manager, the Board discussed a purchase agreement and joint escrow instructions with Lutheran Church Extension Fund – Missouri Synod, APN 691-070-017 for the North Indio Flood Control Project.

On a motion by Director Bianco, second by Director O’Dowd, the Board approved the following actions in regards to a Purchase and Sale Agreement and Joint Escrow Instructions with Lutheran Church Extension Fund--Missouri Synod, APN 691-070-017 for the North Indio Flood Control Project (SW0005):

- Authorized the General Manager to execute a Purchase and Sale Agreement and Joint Escrow Instructions with Lutheran Church Extension Fund--Missouri Synod, APN 691-070-017 for the North Indio Flood Control Project (SW0005)
- Authorized the General Manager to execute any additional documents related to this acquisition transaction
- Approved the following expenditures for a total request of \$57,750
 - Purchase price for 0.86 acre parcel - \$38,750
 - 36-month temporary construction easement of 0.75 acre - \$11,250
 - Title, escrow, closing costs - \$5,000
 - Contingency (5%) - \$2,750

AYES: Powell, Estrada, Bianco, O’Dowd

NOES: None

ABSENT: Nelson

Motion Passed: 4-0

F. **Authorize the General Manager to Execute a Purchase and Sale Agreement and Joint Escrow Instructions and Irrigation Water Service Agreements with Anthony Vineyards, Inc. and C.M. & S. Forbes Ranch Associates, LLC for the Oasis In-Lieu Recharge Project, Phase II (C02001).**

Prior to discussion of this item, Director Bianco recused himself due to a conflict. In addition, legal counsel addressed the general points made in the letter which was submitted on behalf of Randy Roberts in regard to this item. Legal counsel explained that certain allegations in that letter are currently the subject of litigation and could not be addressed in more detail. In regard to questions as to conflicts of interest, it was explained that approximately two

years ago, the Board implemented the re-qualification process required by law which resulted in President Powell being re-qualified to constitute and a quorum and Directors Nelson and Bianco were to be recused.

Following a presentation by David Wilson, Engineer Manager, the Board discussed the Purchase and Sale Agreement with C.M. &S Forbes Ranch Associates, LLC and Irrigation Water Service Agreements with Anthony Vineyards, Inc. and C.M.&S Forbes Ranch Associates, LLC in connection with the Oasis In-Lieu Recharge Project, Phase II.

On a motion by Director O’Dowd, second by Director Estrada, the Board approved the following actions in regards to Purchase and Sale Agreement with C.M.&S Forbes Ranch Associates, LLC, and Irrigation Water Service Agreements with Anthony Vineyards, Inc. and C.M.&S Forbes Ranch Associates, LLC in connection with the Oasis In-Lieu Recharge Project, Phase II:

- Authorized the General Manager to execute the enclosed Purchase and Sale Agreement and Joint Escrow Instructions (PSA) with C.M. & S. Forbes Ranch Associates, LLC and Irrigation Water Service Agreements (IWSA) with Anthony Vineyards, Inc. and C.M. & S. Forbes Ranch Associates, LLC for the Oasis In-Lieu Recharge Project, Phase II, including the acceptance of the Seller’s counteroffer as stated in the Agreement
- Approved the following additional expenditures for a total request of \$92,715
 - Anthony Vineyard, Inc.
 - Irrigation Water Service Agreement for service to thirty APN’s – consisting of 1071 acres inside ID-1 and 391.64 acres outside ID-1
 - C.M. & S. Forbes Ranch
 - Purchase price for a 0.55 acre parcel for Booster Station No. 2 - \$15,000
 - Purchase price for a 0.76 acre irrigation pipeline easement - \$17,000
 - Purchase price for a 0.59 acre irrigation pipeline easement - \$13,600
 - 24-month temporary construction easement of 0.75 acres - \$37,700
 - Irrigation Water Service Agreement for service to:
 - APN 755-060-055 – 50.13 acres outside ID-1
 - APN 755-070-001 – 8.19 acres outside ID-1
 - APN 755-070-008 – 59.99 acres inside ID-1
 - Title, escrow, closing costs - \$5,000

- Contingency (5%) - \$4,415
- AYES:** Powell, Estrada, O'Dowd
NOES: None
ABSENT: Nelson
RECUSED: Bianco
Motion Passed: 3-0

10. BOARD COMMENTS AND REPORTS

A. Board Member General Comments

- Directors O'Dowd, Estrada and Powell had no report.
- Director Bianco commented on the 10-year average of domestic water usage.

B. Meetings and Conference Reports

- i October 13, 2020 Environmental Assessment Committee Meeting (Director Estrada)
- ii October 14, 2020 to October 16, 2020 Imagine H2o Water Innovation Week Virtual Conference (Director O'Dowd)
- iii October 14, 2020 Virtual Summit - Ensuring Equitable Involvement in Regional Water Planning, Day 3 (Director Estrada)
- iv October 14, 2020 Colorado River Board Zoom Meeting (Directors Nelson and Powell) ****continue to 11-10-20 for Director Nelson**
- v October 14, 2020 U.S. Dept. of the Interior Bureau of Reclamation - Stakeholder Virtual Webinar Series - Environmental Streamlining, ESA, NPA, NHPA (Director O'Dowd)
- vi October 15, 2020 AB 1234 Ethics Training (Director Estrada)
- vii October 15, 2020 Association of California Water Agencies (ACWA) Headwaters Workgroup Zoom Meeting (Director O'Dowd)
- viii October 15, 2020 ACWA State Legislature Environmental Law Group Webinar - Time is Running Out: Using the Legal Process to Cover the Cost of TCP Contamination before December 31, 2020 (Director O'Dowd) ****did not attend**
- ix October 20, 2020 ACWA Region 3 Program Webinar - Economic Drivers of Sustainable Forest Management Matter for California's Headwaters (Director O'Dowd)
- x October 21, 2020 Urban Water Institute's Jeff Kightlinger Informative Virtual Discussion (Director O'Dowd)
- xi October 21, 2020 U.S. Dept. of the Interior Bureau of Reclamation - Stakeholder Virtual Webinar Series - Federal & Partner Infrastructure Management (Director O'Dowd)
- xii October 21, 2020 Meeting with Supervisor Perez and Mayor Hernandez regarding Lake Cahuilla Lease Renewal (Director's Powell and Estrada)

- xiii October 22, 2020 Desert Valley Builders Association Public Official Meeting featuring recently elected CA Senator Melissa Melendez (Director O'Dowd)
- xiv October 26, 2020 California Farm Water Coalition Meeting (Director Nelson) ****continue to 11-10-20**

Additional meetings reported

- xv October 14, 2020 AWAG conference call with District staff (Director Bianco)
- xvi October 15, 2020 Meeting with General Manager Barrett and Assistant General Manager Robert Cheng regarding the Colorado River (Director Powell)
- xvii October 19, 2020 Conference call with Itzel Vasquez of the California Water Resources Control Board Office of Public Participation with the SAFER Program regarding the Oasis Mobile Home Park (Director Estrada)
- xviii October 22, 2020 Meeting with Riverside County, state representatives and Salton Sea Authority on the North Lake Project (Director Estrada)

- C. Approval of per diem for meetings reported

On a motion by Director Bianco, second by Director O'Dowd,
the Board approved per diem for meetings reported.

AYES: Powell, Estrada, Bianco, O'Dowd

NOES: None

ABSENT: Nelson

Motion Passed: 4-0

11. STAFF REPORTS

- A. **General Manager** - Jim Barrett provided an update to the Board on COVID numbers at CVWD.
- B. **Counsel**- Jeff Ferre reported on the Executive Order issued by the President regarding a Water Subcabinet to be established among federal agencies and working groups.
- C. **Departments** – no department reports

12. CLOSED SESSION AGENDA

- A. **CONFERENCE WITH LABOR NEGOTIATORS**
Pursuant to Government Code Section 54957.6 - Agency negotiator: Jay Trinnaman, Robert Cheng and Fran Neilon - Employees' organization: Association of Supervisory Support Evaluation Team (ASSET)
****item was pulled from the Agenda**
- B. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d), and initiation of litigation pursuant to paragraph (4) of subdivision (d), of Government Code Section 54956.9

One potential case

C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957

Title: General Manager

D. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9 (d) (1)

Name of cases: five (5)

Randall C. Roberts v. Coachella Valley Water District et. al., Case No. RIC 1825310

Randall C. Roberts v. Coachella Valley Water District et. al., Case No. PSC 1904774

Randall C. Roberts v. Coachella Valley Water District et. al., Case No. PSC 1905977

Randall C. Roberts v. Coachella Valley Water District et. al., Case No. RIC 1904943

Roberts v. Coachella Valley Water District et. al., Case No. RIC 1905897


13. RECONVENE

A. Report out of Closed Session


President Powell convened the meeting back into open session and announced there were no reportable actions for items 12B through 12D.

14. ADJOURNMENT

There being no further business before the Board, President Powell adjourned the regular meeting of the Coachella Valley Water District Board of Directors at 11:47 a.m. The next regular scheduled meeting will be on Tuesday, November 10, 2020 at 8:00 a.m. at the Steve Robbins Administration Building, 75515 Hovley Lane, Palm Desert.



Sylvia M. Bermudez, CMC
Clerk of the Board
Coachella Valley Water District



John P. Powell, Jr, President
Coachella Valley Water District