

DIVISION 1
John Aguilar
Director



Steve Robbins
Administration Building
Board Chambers

DIVISION 2
Anthony Bianco
Director

75515 Hovley Lane East
Palm Desert, CA

DIVISION 3
John Powell
President

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

www.cvwd.org

DIVISION 4
Peter G. Nelson
Director

APRIL 13, 2021

DIVISION 5
Castulo Estrada
Vice President

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

President Powell called the open session of the regular meeting of the Board of Directors of the Coachella Valley Water District to order at 8:02 a.m., Tuesday, April 13, 2021 at the office of the District in Palm Desert, California. Pledge of Allegiance was led by President Powell.

2. TELECONFERENCE

The meeting of the Coachella Valley Water District Board of Directors is being 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 John Aguilar
Director Peter Nelson

Absent: None

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. No item(s) to be removed or continued from the Agenda
- B. No emergency Item(s) were added to the Agenda
- C. No changes to the order of the Agenda

5. PUBLIC COMMENT

No general public comment received.

6. APPROVAL OF THE CONSENT CALENDAR

Consent calendar items are expected to be routine and to be acted upon by the Board of Directors at one time without discussion. If any Board member requests that an item be removed from the consent calendar, it will be removed so that it may be acted upon separately.

- A. Approved the March 23, 2021 CVWD Board Meeting minutes
- B. Approved and authorized the General Manager to execute Task Order 27 with Woodard and Curran in the amount of \$50,057, for grant support services related to the Ion Exchange Treatment Plant (IXTP) 7991 Replacement Project.
- C. Approved and authorized the General Manager to execute Memorandum of Understanding (MOU) among the Coachella Valley Regional Water Management Group (CVRWMG) for the implementation of the CV Water Counts Regional Conservation Program funded through the Proposition 1 Round 1 Integrated Regional Water Management (IRWM) Implementation Grant from Department of Water Resources (DWR) – Grant Agreement No. 4600013805
- D. Approved and authorized the General Manager to execute the Third Amendment To License Agreement with American Tower, L.P.
- E. Approved Resolution No. 2021-06, Authorizing with the US Bureau of Reclamation WaterSMART: Title XVI WIIN Water Reclamation and Reuse Projects Grant Program for the WRP 10 Non-Potable Water System Expansion Project

On a motion by Director Aguilar, second by Director Bianco, the Board approved Consent Calendar items 6A through 6E.

Approved by the following vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

7. DISCUSSION OF ITEMS PULLED FROM CONSENT CALENDAR

No items pulled from Consent Calendar for discussion.

8. INFORMATIONAL REPORTS

A. Written Communications Received - on file

9. ACTION ITEMS

A. **Authorize the General Manager to execute Task Order No. 25 with Woodard & Curran in the amount of \$149,580, for Consulting Services for Preparation of a Cost of Service Study (COSS) for the Water System Backup Facilities Charge, Supplemental Water Supply Charge, and Sanitation Capacity Charge.**

Following a presentation by Dan Ruiz, Engineer Manager, the Board discussed the COSS for the Water System Backup Facilities Charge, Supplemental Water Supply Charge, and Sanitation Capacity Charge.

On a motion by Director Aguilar second by Director Nelson, the Board approved and authorized the General Manager to execute Task Order No. 25 with Woodard & Curran in the amount of \$149,580, for Consulting Services for Preparation of a Cost of Service Study (COSS) for the Water System Backup Facilities Charge, Supplemental Water Supply Charge, and Sanitation Capacity Charge.

Approved by the following vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

B. **Approve and authorize the General Manager to execute a Funding Agreement for Perris Dam Seepage Recovery Project Environmental Analysis, Planning and Preliminary Design, SWPAO #21608, and approve Project Advance Funding in an amount not to exceed \$4.1 million.**

Following a presentation by Robert Cheng, Assistant General Manager, the Board discussed the funding agreement for Perris Dam Seepage Recovery Project.

On a motion by Director Bianco, second by Director Powell, the Board approved and authorized the General Manager to execute a Funding Agreement for Perris Dam Seepage Recovery Project Environmental Analysis, Planning and Preliminary Design, SWPAO #21608, and approved the project funding of \$4.1 million to be paid over a period of thirteen (13) years.

Approved by the following vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

- C. **Adopt a State Water Project (SWP) Levy increase to \$0.11 per \$100 of Assessed Value (AV) for the Fiscal Year 2022 Tax Roll for both Riverside and Imperial Counties and Adopt Resolutions 2021-07 and 2021-08, Fixing Rates of Taxation Required by the Counties of Riverside and Imperial.**

Following a presentation by Geoffrey Kiehl, Director of Finance, the Board discussed the State Water Project (SWP) levy increase to \$0.11 per \$100 of assessed value for the fiscal year 2022 tax roll for Riverside and Imperial Counties.

On a motion by Director Bianco, second by Director Aguilar, the Board approved and adopted an increase to \$0.11 per \$100 of assessed value for the fiscal year 2022 tax roll for Riverside and Imperial counties; and adopted Resolution Nos.: 2021-07 and 2021-08, fixing the rates of taxation required by the counties of Riverside and Imperial.

Approved by the following vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

- D. **Authorize Preparation and Mailing of Proposition 218 Notices and Proposed Replenishment Rate Increases for Fiscal Years 2022 through 2026 for the East Whitewater River Subbasin and West Whitewater River Subbasin, and Receive and File the Cost of Service Study Reports for Replenishment Rates.**

Following a presentation by Geoffrey Kiehl, Director of Finance, the Board discussed the mailing of Proposition 218 notices for fiscal years 2022 through 2026 for the East Whitewater River Subbasin and West Whitewater River Subbasin.

On a motion by Director Nelson, second by Director Bianco, the Board approved and authorized the preparation and mailing of Proposition 218 Notices and the proposed replenishment rate increases for Fiscal Years 2022 through 2026 for the East Whitewater River Subbasin and West Whitewater River Subbasin, and received and filed the cost of service study reports for replenishment rates.

Approved by the following vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

Prior to discussion of items E and F. Directors Bianco and Nelson recused themselves from the meeting and left the dais and board room during consideration of this matter. The recusal of Directors Bianco and Nelson, and the requalification of President Powell are in place as a result of the requalification process previously conducted due to financial interests and addressing conflicts of interest in connection with the Oasis Project.

E. **Approval and Adoption of the Resolutions 2021-09 and 2021-10, and Agreements associated with the execution and delivery of the Series 2021 Certificates of Participation for the Oasis Project.**

Following a presentation by Geoffrey Kiehl, Director of Finance, the Board discussed the Series 2021 Certificates of participation for the Oasis project.

On a motion by Director Aguilar second by Director Powell, the Board approved and adopted Resolution Nos.: 2021-09 and 2021-10, and Agreements associated with the execution and delivery of the Series 2021 Certificates of Participation for the Oasis Project

Approved by the following vote:

AYES: Powell, Estrada, Aguilar

NOES: None

ABSENT/RECUSED: Bianco, Nelson

Motion Passed: 3-0-2

PUBLIC FACILITIES CORPORATION BOARD

Recessed as the CVWD Board of Directors; convened as the Board of Directors of the Public Facilities Corporation

F. **Approval and Adoption of Resolutions and Agreements associated with the execution and delivery of the Series 2021 Certificates of Participation for the Oasis Project.**

Following a presentation by Geoffrey Kiehl, Director of Finance and Douglas Brown of Stradling Yocca Carlson & Rauth.

On a motion by Director Aguilar second by Director Estrada, the Board approved and adopted Resolution No. 2021-11, authorizing the issuance of series 2021 Certification of Participation for the Oasis Project; and authorized the General Manager to execute necessary documents related to the execution of delivery of the Series 2021 Certificates of Participation.

Approved by the following vote:

AYES: Powell, Estrada, Aguilar

NOES: None

ABSENT/RECUSED: Bianco, Nelson

Motion Passed: 3-0-2

Adjourned as the Public Facilities Corporation Board; reconvened as the CVWD Board of Directors

10. BOARD COMMENTS AND REPORTS

- A. Board Member General Comments
- Directors Nelson, Aguilar, Bianco and Powell had no report.
 - Director Estrada thanked staff for their help in securing letters of support for Congressman Ruiz in an effort to earmark funding for the Avenue 66 project.
- B. Meetings and Conference Reports
- March 24 - March 26, 2021 CVWD Infrastructure Tours with CVWD Staff (Director Aguilar)
 - March 24, 2021 Golf & Water Task Force Teleconference Meeting (Director Powell)
 - March 25, 2021 Salton Sea Authority Board of Directors Meeting (Director Estrada)
 - March 25, 2021 Board Study Session - RAC Rates (All Board members attended)
 - March 29, 2021 CV Link Groundbreaking Celebration (Director Nelson)
 - March 30, 2021 Meeting with CVWD staff regarding water/sewer for Desert Hot Springs development (Director's Powell and Aguilar)
 - March 31, 2021 Colorado River Board - Tribal Involvement Meeting (Director Nelson)
 - April 1, 2021 Colorado Basin States Principals Meeting (Director Nelson)
 - April 2, 2021 Colorado River Basin States/Tribes Meeting (Director Nelson)
 - April 5, 2021 Grower's Meeting (Director's Powell and Estrada)
 - April 6, 2021 City of Cathedral City/CVWD Meeting (Director's Aguilar and Estrada)
 - April 8, 2021 Board Study Session - Domestic, RAC & SGMA
 - April 8, 2021 CVAG Energy and Environmental Resources Committee Meeting (Director Bianco)
 - April 8, 2021 Coachella Valley Conservation Commission Meeting (Director Bianco)
 - April 8, 2021 Desert Valley's Builders Association Meeting (Director Powell)

Additional Meetings Reported

- March 20, 2021 Meeting with Center for Community Action Environmental Justice Tour of Eastern Valley (Director Estrada)
- April 9, 2021 Presenter during the Water Education Foundation tour of the Colorado River (Director Nelson)
- April 9, 2021 Meeting with CVWD staff regarding water issues (Director Nelson)

- xix. April 8, 2021 SAFER Advisory Group Meeting (Director Estrada)
- xx. April 12, 2021 USBR Western USA Hydrology Assessment Webinar (Director Nelson)

- C. Approval of per diem for meetings reported
On a motion by Director Bianco, second by Director Estrada, the Board approved per diem for meetings reported.
Approved by the following vote:
AYES: Powell, Estrada, Bianco, Aguilar, Nelson
NOES: None
ABSENT: None
Motion Passed: 5-0

11. STAFF REPORTS

- A. General Manager – Jim Barrett, provided an update on COVID numbers at CVWD; Informed the Board of the upcoming vaccine clinics at CVWD facilities for employees and household members and retirees and household members; and introduced the newly hired Assistant Director of Engineering Elmer Alex.
- B. Counsel – Jeff Ferre reported on AB 703, AB 361 and AB 339, all related to teleconferencing for legislative bodies which may be adopted based on the potential continuation of virtual meetings after the COVID lockdown ends.
- C. Departments
 - Dan Charlton, Assistant General Manager, Operations and Facilities, read a brief In Memoriam tribute to Chris Geiser, Electrical Supervisor

12. CLOSED SESSION AGENDA

- A. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION - (Paragraph (1) of subdivision (d) of Government Code Section 54956.9 California Department of Water Resources v. All Persons Interested in the Matter of the State Water Project Water Supply Contract Amendments for Continued Service and the Terms and Conditions Thereof (the "Contract Extension Amendments"), Sacramento Superior Court Case No. 34-2018-00246183 and related cases Planning and Conservation League et al v. Department of Water Resources, Sacramento Superior Court Case No. 34-2019-80003053 and Northcoast Rivers Alliance et al. v. Department of Water Resources, Sacramento Superior Court Case No. 34-2019-8000mari3047
- B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to Government Code Section 54956.8- Property is described as: APN 727-100-006
Agency Negotiator: Carrie Oliphant, Director of Engineering
Negotiating Party: Demesio C. Carranza et. al.

- Under negotiation: Price and terms of payment
- C. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957.6 - Agency negotiator: Scott Hunter
Employees' organization: Association of Supervisory Support Evaluation Team (ASSET)

13. RECONVENE

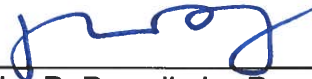
- A. Report out of Closed Session
President Powell reconvened the meeting back into Open Session and reported there were no reportable actions for closed session

14. ADJOURNMENT

There being no further business before the Board, President Powell adjourned the meeting at 11:33 a.m. The next scheduled regular meeting of the Coachella Valley Water District Board of Directors is Tuesday, April 27, 2021 at 8:00 a.m.



Sylvia Bermudez, Clerk of the Board
Coachella Valley Water District



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