

**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](http://www.cvwd.org)

**DIVISION 4**  
*Peter G. Nelson*  
*Director*

**May 25, 2021**

**DIVISION 5**  
*Castulo Estrada*  
*Vice President*

**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 8:07 a.m., Tuesday, May 25, 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 May 25, 2021 Coachella Valley Water District Board of Directors 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 left at 8:52am  
Director Anthony Bianco arrived at 8:26am  
Director John Aguilar  
Director Peter Nelson arrived at 8:26am

*Absent:* None

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

**MEETING OF OASIS BOARD**

*Due to the previous recusal and requalification process to address conflicts of interest of Board members as to the Oasis project, the following matter was addressed with Directors Nelson and Bianco recused and President Powell requalified.*

4. **Approve Resolution No. 2021-14 approving the Preliminary Official Statement (POS) and the Purchase Contract for the Series 2021 Certificate of Participation (COP) for the Oasis Project.**

Following a presentation by Geoffrey Kiehl, Director of Finance, the Board discussed the Preliminary Official Statement (POS) and the Purchase Contract for the Series 2021 Certificate of Participation (COP) for the Oasis Project. Legal Counsel and Bond Counsel stated that some minor changes would be made to the draft documents including a revision to the disclosure obligation language in the Debt Management Policy as mentioned in the documents as well as the separate Consent Calendar item on the same subject.

***On a motion by Director Aguilar, second by Director Estrada,*** the Board approved Resolution No. 2021-14, approving the Preliminary Official Statement (POS) and the purchase contract for the Series 2021 Certificate of Participation (COP) for the Oasis Project.

**Approved by the following vote:**

**AYES:** Powell, Estrada, Aguilar

**NOES:** None

**ABSENT/RECUSED:** Bianco, Nelson

**Motion Passed: 3-0**

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**PUBLIC FACILITIES CORPORATION BOARD**

*Due to the previous recusal and requalification process to address conflicts of interest of Board members as to the Oasis project, the following matter was addressed with Directors Nelson and Bianco recused and President Powell requalified.*

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

5. **Approve Resolution No. PFC 2021-02 related to the Purchase Contract for Series 2021 Certificate of Participation for the Oasis Project-CVWD Public Facilities Corporation.**

Following a presentation by Geoffrey Kiehl, Director of Finance, the Board discussed the proposed Resolution 2021-02 related to the Purchase Contract for Series 2021 Certificate of Participation for the Oasis Project.

***On a motion by Director Estrada, second by Director Nelson,*** the Board approved PFC 2021-02 related to the Purchase Contract for Series 2021 Certificate of Participation for the Oasis Project-CVWD Public Facilities Corporation.

**Approved by the following vote:**

**AYES:** Powell, Estrada, Aguilar

**NOES:** None

**ABSENT/RECUSED:** Bianco, Nelson

**Motion Passed: 3-0**

*Adjourned as the Public Facilities Corporation; reconvened as the CVWD Board of Directors – With the completion of the items related to the Oasis project, Directors Nelson and Bianco entered the meeting.*

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**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 Item(s) to be added to the Agenda
- C. No changes to the order of the Agenda

**7. PUBLIC COMMENT**

No public comment received.

**8. APPROVAL OF THE CONSENT CALENDAR**

*Consent calendar items 8A through 8J 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. Approve minutes of the May 11, 2021 CVWD Board of Directors Meeting
- B. Accept and file General Manager's Report of Activities for April 2021
- C. Accept and file General Manager's Report of Authorizations, Executions, and Acceptance of Documents during the month of April 2021
- D. Accept and file the Secretary's Report of Written Instruments Accepted and Recorded during the month of April 2021
- E. Authorize the General Manager to execute an Added Facilities Agreement with Southern California Edison
- F. **PULLED FOR DISCUSSION** --Authorize the General Manager to execute Task Order No. 1 with Cost Control Associates, Inc. in amount of \$70,350 for additional consulting services to expand in-depth reviews on electrical utility bills
- G. Approve and authorize payment of Fiscal Year 2021-22 American Public Works Association dues in the amount of \$900
- H. Adopt Revised Comprehensive Debt Management Policy
- I. Approve and authorize the General Manager to execute a Contract Amendment with ACT Enviro in the amount of \$72,000 for Hazardous Waste Removal Services through November 2022, which includes a one-year extension in November 2021

- J. Approve revisions to the April 13, 2021 board meeting minutes to reflect a necessary change, rescinding Resolution No. 2021-11, and approving Resolution No. PFC2021-01 under the CVWD Public Facilities Corporation.

*President Powell requested item 8F be pulled for discussion.*

**On a motion by Director Nelson, second by Director Aguilar**, the Board approved consent calendar items 8A through 8J, excluding 8F.

**Approved by the following vote:**

**AYES:** Powell, Estrada, Bianco, Aguilar, Nelson

**NOES:** None

**ABSENT:** None

**Motion Passed: 5-0**

## 9. DISCUSSION OF ITEMS PULLED FROM CONSENT CALENDAR

- 8.F. **Authorize the General Manager to execute Task Order No. 1 with Cost Control Associates, Inc. in amount of \$70,350 for additional consulting services to expand in-depth reviews on electrical utility bills.**

Following a presentation by Armando Rodriguez, Engineer Manager, the board discussed the Task Order with Cost Control Associates. The Board tabled the matter and requested staff return with information related to the performance of the consultant.

## 10. PRESENTATIONS AND RECOGNITIONS

### ***Anniversaries (staff not present)***

- Alvaro Sandoval - Domestic Water Serviceworker II, 20 years
- Frank "Eric" Morales - Service Department Aide, 20 years

### ***Retirements (staff not present)***

- Tim Hoffman - Equipment Operator II, 31 years
- Thomas Rice - Financial Analyst III, 10 years

## 11. INFORMATIONAL REPORTS

- A. Written Communications Received – none
- B. Informational Reports to the Board
- i CVWD Water Shortage Contingency Plan, presentation by Katie Evans, Director of Communications and Conservation

## 12. ACTION ITEMS

*Prior to consideration of item 12A, President Powell stated that out of abundance of caution, and to avoid any conflict of interest, he would be recusing himself from this matter due to a real property interest located in proximity to the property subject to this project.*

A. **Approve the following actions relating to the Emergency Standby Generator for Well No. 6808-1 Project, Specification No. 2021-13.**

- award construction contract to R.I.C Construction Company Inc., in the amount of, \$460,915
- authorize the General Manager to execute contract with R.I.C. Construction Company, Inc., in the amount of, \$460,915
- approve additional expenditures of \$81,085 for a total request of \$542,000

Following a presentation by Dan Ruiz, Engineer Manager, the Board discussed the emergency standby generator for Well No. 6808-1, Project Specification No. 2021-13.

***On a motion by Director Aguilar, second by Director Bianco,*** the Board approved the following actions related to the emergency standby generator for Well No. 6808-1 project, specification no. 2021-13:

- approved awarding of construction contract to R.I.C Construction Company Inc., in the amount of, \$460,915
- authorized the General Manager to execute contract with R.I.C. Construction Company, Inc., in the amount of, \$460,915
- approved additional expenditures of \$81,085 for a total request of \$542,000

**Approved by the following vote:**

**AYES:** Bianco, Aguilar, Nelson

**NOES:** None

**ABSENT/RECUSED:** Powell, Estrada **Motion Passed: 3-0**

B. **Approve and authorize the General Manager to execute forms necessary to establish CVWD as a self-insured public agency and approve agreement for third-party administrator services.**

Following a presentation by Elizabeth Tan, Risk Manager, the Board approved and authorized the General Manager to execute forms necessary to establish CVWD as a self-insured public agency and approve agreement for third-party administrator services.

***On a motion by Director Bianco second by Director Nelson,*** the Board approved and authorized the General Manager to execute forms necessary to establish CVWD as a self-insured public agency and approved agreement for third-party administrator services.

**Approved by the following vote:**

**AYES:** Powell, Bianco, Aguilar, Nelson

**NOES:** None

**ABSENT:** Estrada

**Motion Passed: 4-0**

*Prior to consideration of item 12C, President Powell stated that out of abundance of caution, and to avoid any conflict of interest, he would be recusing himself from this matter due to a real property interest located in proximity to the property subject to this project.*

C. **Approve and adopt Resolution 2021-15 of the DWSRF Grant Funding Application for the IXTP 7991 Replacement Project.**

Following a presentation by Geoffrey Kiehl, Director of Finance, the Board discussed DWSRF Grant Funding Application for the IXTP 7991 Replacement Project.

***On a motion by Director Bianco, second by Director Aguilar,*** the Board approved Resolution No. 2021-15, of the DWSRF Grant Funding Application for the IXTP 7991 Replacement Project.

**Approved by the following vote:**

**AYES:** Bianco, Aguilar, Nelson

**NOES:** None

**ABSENT/RECUSED:** Powell, Estrada

**Motion Passed: 3-0**

**13. BOARD COMMENTS AND REPORTS**

A. Board Member General Comments

- Director Nelson commented on email regarding Water and Science Committee meeting at 1:00pm in Washington, D.C., which local members are testifying on the drought situation in the West region.
- Director Aguilar asked for an update on the water tender at the Oasis Mobile Home Park.
- Director Bianco had no report.
- President Powell commented on the funeral services for former Board Member Corky Larson.

B. Meetings and Conference Reports

- i May 12, 2021 Colorado River Board meeting (Director's Nelson and Estrada)
- ii May 12, 2021 Six Agency Committee meeting (Director's Nelson and Estrada)
- iii May 12, 2021 Colorado River Authority meeting (Director's Nelson and Estrada)
- iv May 13, 2021 Coachella Valley Conservation Commission meeting (Director Bianco)\*\* *did not attend*
- v May 13, 2021 Energy and Environmental Resources Committee meeting (Director's Aguilar and Bianco)\*\* *did not attend*
- vi May 13, 2021 Desert Valley's Builders Association Board meeting (Director Powell)
- vii May 18, 2021 Disadvantaged Communities Infrastructure Task Force meeting (Director's Powell and Estrada)

- viii May 20, 2021 Water Education Foundation - Lower Colorado River Virtual Tour (Director Estrada)\*\* *continue to 06/08*
- ix May 24, 2021 Board Study Session - Operating Budget (Directors Powell, Estrada, Aguilar, Nelson)

**Additional meetings reported:**

- x May 13, 2021 Bureau of Reclamation 2021 Secure Water Act Sacramento and San Joaquin Rivers Basin Hydrology Report Webinar (Director Nelson)
  - xi May 13, 2021 California Farm Water Coalition Strategic Plan Ad Hoc Committee Meeting (Director Nelson)
  - xii May 14, 2021 Basin States Principals meeting to discuss the CRSS Upper Basin Modeling Program (Director Nelson)
  - xiii May 20, 2021 Water Education Foundation – Lower Colorado River Virtual Tour (Director Nelson)
- C. Approval of per diem for meetings reported  
***On a motion by Director Bianco second by Director Nelson,***  
 the Board approved per diem for meetings reported.  
**Approved by the following vote:**  
**AYES:** Powell, Bianco, Aguilar, Nelson  
**NOES:** None  
**ABSENT:** Estrada  
**Motion Passed: 4-0**

**14. STAFF REPORTS**

- A. General Manager – Jim Barrett provided an update on COVID-19 numbers, CVWD’s vaccine survey and the reopening of CVWD facilities, pending the Governor’s June 15 announcement; also provided an update on the Oasis Mobile Home Park water issues.
- B. Counsel – Jeff Ferre reported on pending legislation relating to amendments to the Brown Act, which impact meeting requirements for public agencies in holding public meetings post pandemic.
- 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  
 Receipt of Claim: Jessica McAleer

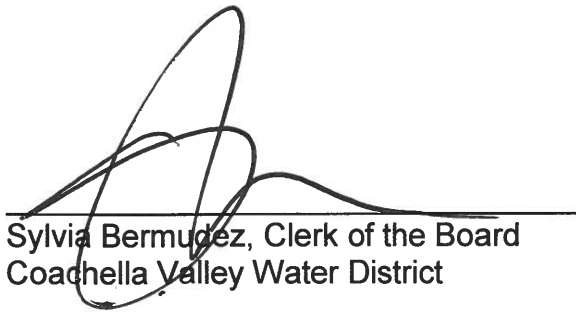
**16. RECONVENE**

- A. Report out of Closed Session  
 President Powell reconvened the meeting back into Open Session.  
 Counsel Jeff Ferre reported on item 12A – on a motion by Director

Aguilar, second by Director Bianco, on a 5-0 vote. The Board took action to reject the claim, to the extent the communication received by Mr. Roberts is deemed to be a claim.

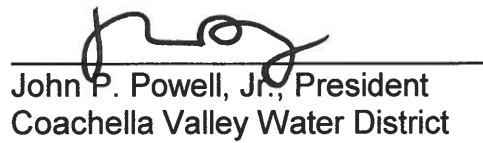
**17. ADJOURNMENT**

There being no further business before the Board, President Powell adjourned the meeting at 10:14 a.m. The next scheduled regular meeting of the Coachella Valley Water District Board of Directors is Tuesday, June 8, 2021 at 8:00 a.m.



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Sylvia Bermudez, Clerk of the Board  
Coachella Valley Water District



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

