

DIVISION 1
John Aguilar
Director



DIVISION 2
Anthony Bianco
Director

Steve Robbins
Administration Building
Board Chambers

DIVISION 3
John Powell
President

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

75515 Hovley Ln. East
Palm Desert

DIVISION 4
Peter G. Nelson
Director

www.cvwd.org

DIVISION 5
Castulo Estrada
Vice President

June 08, 2021

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 8:02 a.m., Tuesday, June 8, 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 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 10:42am*
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) were removed or continued from the Agenda
- B. No emergency item(s) 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 6A through 6I, 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 meeting minutes of the May 25, 2021 Regular Meeting of the Coachella Valley Water District Board of Directors
- B. Approve and authorize the General Manager to execute the Nonpotable Water Agreement for The Madison Club
- C. Approve and authorize the General Manager to execute a Special Domestic Water System Installation Agreement with A0685 Cathedral City, LP
- D. Approve and authorize the General Manager to execute the Nonpotable Water Agreement for The Hideaway Club
- E. **PULLED FOR DISCUSSION** - Approve and authorize the General Manager to execute a Joint Community Facilities Agreement between CVWD, City of Palm Desert, and University park Investor, LLC relating to City of Palm Desert Community Facilities District No. 2021-1 (University Park), and approve Resolution No. 2021-18
- F. Approve and authorize the General Manager to execute a Professional Services Agreement with Southwest Protective Services, Inc., in the amount of \$422,066 for Annual Security Services, and approve additional expenditures for a total request of \$462,000
- G. Approve and authorize payment of Fiscal Year 2021-22 Desert Valleys Builders Association membership dues in the amount of \$1,375
- H. Approve and authorize payment of Fiscal Year 2021-22 Urban Water Institute, Inc. Public Member dues in the amount of \$1,250
- I. Approve the 2021-2022 Salton Sea Authority membership dues in the amount of \$150,000

Director Nelson requested item 6E be pulled for discussion.

On a motion by Director Nelson, second by Director Aguilar, the Board approved consent calendar items 6A through 6I.

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

- 6.E. **Approve and Authorize the General Manager to execute a Joint Community Facilities Agreement between CVWD, City of Palm Desert, and University Park Investor, LLC relating to City of Palm Desert Community Facilities District No. 2021-1 (University Park), and approve Resolution No. 2021-18.**

Following a presentation by Carrie Oliphant, Director of Engineering, the board discussed a Joint Community Facilities Agreement between CVWD, City of Palm Desert, and University park Investor, LLC.

On a motion by Director Nelson, second by Director Aguilar, the Board approved and authorized the General Manager to execute a Joint Community Facilities Agreement between CVWD, City of Palm Desert, and University park Investor, LLC relating to City of Palm Desert Community Facilities District No. 2021-1 (University Park), and approved Resolution No. 2021-18.

Approved by the following vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

8. PUBLIC HEARING

- A. **Conduct a Public Hearing to Consider Adoption of Domestic Water Rates and Charges for Fiscal Years 2022 to 2026, and adopt proposed Ordinance 1441.**

Geoffrey Kiehl, Director of Finance, provided a presentation on the proposed domestic water rates and charges for FYs 2022-2026.

President Powell opened the public hearing to receive input concerning a proposed ordinance adopting the domestic water rates and charges for FYs 2022-2026. Prior to the receipt of public testimony, President Powell, Clerk of the Board Bermudez, and General Counsel Ferre provided information regarding the notice and hearing procedures, which have been followed in accordance with the requirements of Proposition 218.

The following members of the public provided public comment: Jeni Bates, Elizabeth, Bill Taylor, and Jonathan Contreras. President Powell closed the public hearing. The Clerk noted for the record that the Notice of Public Hearing and the proposed rate increase was given by direct mail to the property owners and

tenants of real property who may be directly liable to pay the charges for domestic water and by legal publication in the Desert Sun. The Clerk also noted that 160,554 notices were sent, and 129,809 parcels were identified that could be affected by the proposed domestic water rate increase. In this instance, a majority protest would exist if the District received 64,906 written protests prior to the close of the public hearing. Prior to the close of the public hearing, the District received one hundred and sixteen (116) written protests from qualifying owners and tenants of the identified parcels.

It was determined by the Clerk of the Board that a majority protest was not present under the requirements of the Proposition 218, and as a result, the Board could then consider the proposed resolution.

Following a discussion of the matter, **on a motion by Director Aguilar, second by Director Nelson**, the board took action to adopt Ordinance No. 1441, an ordinance adopting the proposed domestic water rates and charges for FYs 2022 to 2026.

Approved by the following vote:

AYES: Powell, Estrada, Aguilar, Nelson

NOES: Bianco

ABSENT: None

Motion Passed: 4-1

9. INFORMATIONAL REPORTS

- A. Written Communications Received- on file
- B. Informational Reports to the Board
 - i Transfer of Delinquent and Unpaid Domestic Water and Sewer Service to Imperial and Riverside County Tax Rolls, presentation by Albert Galindo, Accountant.

10. ACTION ITEMS

Prior to consideration of item 10A, 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. President Powell then left the dais and the boardroom during consideration of this matter.

- A. **Approve and authorize the General Manager to reject the single submitted bid for the Coachella Campus Roof Access and Ion Exchange Treatment Plants Safety Improvements Project, Specification No. 2020-17.**

Following a presentation by Dan Ruiz, Engineer Manager, the board discussed the Coachella Campus Roof Access and Ion Exchange Treatment Plants safety improvements.

On a motion by Director Nelson, second by Director Bianco, the Board approved and authorized the General Manager to reject the single submitted bid for the Coachella Campus Roof Access and Ion Exchange Treatment Plants Safety Improvements Project, Specification No. 2020-17.

Approved by the following vote:

AYES: Bianco, Aguilar, Nelson

NOES: None

ABSENT: Powell, Estrada

Motion Passed: 3-0

- B. **Approve and authorize the General Manager to execute Task Order No. 6 with Dudek in the amount of \$601,842 for Consulting Services for the design of the Avenue 66 Transmission Main, Phase 2 Project, and approve additional expenditures for a total request of \$775,000.**

Following a presentation by Dan Ruiz, Engineer Manager, the board discussed Task Order No. 6 with Dudek for \$601,842 for Consulting Services for the design of the Avenue 66 Transmission Main.

On a motion by Director Aguilar, second by Director Nelson the Board approved and authorized the General Manager to execute Task Order No. 6 with Dudek for \$601,842 for Consulting Services for the design of the Avenue 66 Transmission Main, Phase 2 Project, and approved additional expenditures for a total request of \$775,000.

Approved by the following vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

- C. **Approve and Authorize the General Manager to Purchase Property and Liability Insurance Coverage for Fiscal Year 2021-2022 through Willis Towers Watson, Insurance Brokers, for an amount up to \$1,919,986, inclusive of a 5% contingency, and select alternative carriers should an insurer amend or withdraw its quote prior to the July 1, 2021 renewal.**

Following a presentation by Elizabeth Tan, Risk Manager, the board discussed the purchase of property and liability insurance coverage for FY 2021-2022.

On a motion by Director Bianco, second by Director Aguilar, the Board approved and authorized the purchase of Property and Liability Insurance Coverage for Fiscal Year 2021-2022 through Willis Towers Watson, Insurance Brokers, for an amount up to \$1,919,986, inclusive of a 5% contingency, and select alternative carriers should an insurer amend or withdraw its quote prior to the July 1, 2021 renewal.

Approved by the following vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

11. BOARD COMMENTS AND REPORTS

A. Board Member General Comments

- Directors Aguilar, Bianco, and Estrada had no report.
- Directors Nelson commented on the passing of Don Galleano, winery owner and Western Municipal Water District board member; also commented on his attendance to the funeral services for former Board member Corky Larson.
- Director Powell also commented on the funeral services for former Board member Corky Larson.

B. Meetings and Conference Reports

- i May 20, 2021 Meeting with CVWD staff regarding HR 3286 (Director Estrada)
- ii May 20, 2021 Water Education Foundation - Lower Colorado River Virtual Tour (Director Estrada)
- iii May 25, 2021 Eastern Coachella Valley Region meeting (Director Estrada)
- iv May 26, 2021 Golf and Water Task Force meeting (Directors Powell and Bianco)
- v May 27, 2021 Salton Sea Authority Board of Directors meeting (Directors Bianco and Estrada)
- vi May 28, 2021 Basin States Principals meeting: CRSS Basin Modeling Program (Director Nelson)
- vii May 30, 2021 Chris Harris meeting: White Paper Review 2026 Guideline Principles (Director Nelson)
- viii June 2, 2021 Special Board Meeting - RAC Rate Public Hearing
- ix June 2, 2021 Coachella Valley Arena Groundbreaking Ceremony (Director Bianco)
- x June 3, 2021 First Consultation - Colorado River Management Work Group Meeting for the 2022 Annual Operation Plan for Colorado River Reservoirs (AOP) (Director Nelson)
- xi June 3, 2021 Mandatory Sexual Harassment Training (Director Aguilar)

Additional Meetings Reported

- xii June 3, 2021 Building Industry Association (BIA) Southern California Housing Policy & Leadership Summit (Director Powell)

- 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

12. STAFF REPORTS

- A. General Manager
- B. Counsel
- C. Departments

13. CLOSED SESSION AGENDA


- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION - Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9
Two (2) potential cases

14. RECONVENE

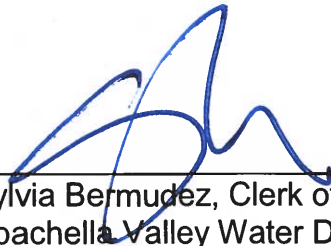
- A. Report out of Closed Session
President Powell reconvened the meeting back into Open Session. Counsel, Jeff Ferre reported that in regard to one of the two (2) potential cases of anticipated litigation, there was direction given to initiate an action and the action, defendants, and other particulars shall, once formally commenced, be disclosed to any person upon inquiry. There was no reportable action as to the other potential case.

15. ADJOURNMENT

There being no further business before the Board, President Powell adjourned the meeting at 10:48 a.m. The next scheduled meeting of the Coachella Valley Water District Board of Directors is Tuesday, June 22, 2021 at 8:00 a.m.



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



Sylvia Bermudez, Clerk of the Board
Coachella Valley Water District

