

**DIVISION 1**  
*John Aguilar*  
*Director*



*Steve Robbins*  
*Administration Building*  
*Board Chambers*

**DIVISION 2**  
*Anthony Bianco*  
*Director*

75515 Hovley Ln.  
East Palm Desert

**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*

**June 22, 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 8:00 a.m., Tuesday, June 22, 2021 at the office of the District in Palm Desert, California. Pledge of Allegiance was led by President Powell.

**2. TELECONFERENCE**

The June 22, 2021 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 arrived at 8:35am  
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 items removed or continued from the Agenda
- 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.

**6. APPROVAL OF THE CONSENT CALENDAR**

- A. Approve the minutes of the June 2, 2021 special meeting of the Coachella Valley Water District Board of Directors meeting.
- B. Approve the minutes of the June 8, 2021 regular meeting of the Coachella Valley Water District Board of Directors meeting.
- C. Accept and file the General Manager's Report of Authorizations, Executions, and Acceptance of Documents during the month of May 2021
- D. Accept and file the General Manager's Report of Activities May 2021
- E. Accept and file the Secretary's Report of Written Instruments Accepted and Recorded during the month of May 2021
- F. Approve payment for State Water Contractor Member Dues, Bay-Delta Fund, Energy Fund, and Delta Conveyance Project Fund for fiscal year 2021-22 (FY22) in the amount of \$437,312.
- G. Approve payment for the Six Agency Committee budget for fiscal year 2021-22 (FY22) in the amount of \$396,500
- H. Approve and authorize the General Manager to execute a Consulting Agreement Task Order with CGR Management Consultants LLC, in an amount not to exceed \$396,900, for Assistance with Implementation of the SCADA Master Plan in Fiscal Year 2022
- I. Approve and authorize the General Manager to execute the Sixth Amendment to Consulting Agreement with Northern Digital, Inc., in the amount of \$251,240, for Additional SCADA System Development, PLC Programming and Fieldwork, extending the contract term to June 30, 2023
- J. Approve Resolution No. 2021-23 and authorize the General Manager to execute a \$66,290.00 Safe and Affordable Drinking Water (SADW) Agreement for the Oasis Mobile Home Park Emergency Drinking Water Project.

***On a motion by Director Bianco second by Director Aguilar,*** the Board approved consent calendar items 6A through 6J.

**Approved by the following vote:**

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

**NOES:** None

**ABSENT:** Estrada

**Motion Passed: 4-0****7. DISCUSSION OF ITEMS PULLED FROM CONSENT CALENDAR**

No items pulled for discussion.

**8. PRESENTATIONS AND RECOGNITIONS****ANNIVERSARIES**

- *William "Bill" Blankenship - Accounts Receivable Technician, 35 years*
- *Christina "Chris" Freeman - Accounts Receivable Technician, 30 years*

**RETIREMENTS**

- *Sandra Villalobos - Development Services Technician II, 30 years*

**9. PUBLIC HEARING****A. Public Hearing and Adoption of the 2020 Regional Urban Water Management Plan, Water Shortage Contingency Plan, and Appendix L to the 2015 Urban Water Management Plan.**

Zoe Rodriguez del Rey, Water Resources Manager, provided a presentation on the 2020 Regional Urban Water Management Plan, Water Shortage Contingency Plan and Appendix L to the 2015 Urban Water Management Plan.

President Powell opened the public hearing to receive input concerning the proposed 2020 Regional Urban Water Management Plan, Water Shortage Contingency Plan and Appendix L to the 2015 Urban Water Management Plan. 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. Board heard public testimony from Aleena, Anast, Gary Burns, Gwen, Jeroen, and Omar. President Powell then closed the public hearing.

***On a motion by Director Bianco, second by Director Aguilar,*** the Board approved and adopted Resolution No. 2021-19, Resolution adopting the 2020 Coachella Valley Regional Urban Water Management Plan, and authorized staff to submit copies of these documents to the California Department of Water Resources by the July 1, 2021 deadline; and further directed staff to file a Notice of Exemption with the Riverside County, Imperial County, and San Diego County Clerks within five (5) working days of adoption of these resolutions.

**Approved by the following vote:**

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

**NOES:** None

**ABSENT:** None

**Motion Passed: 5-0**

***On a motion by Director Aguilar, second by Director Bianco,*** the Board approved and adopted Resolution No. 2021-20, Resolution adopting the Water Shortage Contingency Plan as part of the Regional Urban Water Management Plan, and authorized staff to submit copies of these documents to the California Department of Water Resources by the July 1, 2021 deadline; and further directed staff to file a Notice of Exemption with the Riverside County, Imperial County, and San Diego County Clerks within five (5) working days of adoption of these resolutions.

**Approved by the following vote:****AYES:** Powell, Estrada, Bianco, Aguilar, Nelson**NOES:** None**ABSENT:** None**Motion Passed: 5-0**

***On a motion by Director Bianco, second by Director Aguilar,*** the Board approved and adopted Resolution No. 2021-21, Resolution adopting Appendix L as an Addendum to the 2015 Urban Water Management Plan, and authorized staff to submit copies of these documents to the California Department of Water Resources by the July 1, 2021 deadline; and further directed staff to file a Notice of Exemption with the Riverside County, Imperial County, and San Diego County Clerks within five (5) working days of adoption of these resolutions.

**Approved by the following vote:****AYES:** Powell, Estrada, Bianco, Aguilar, Nelson**NOES:** None**ABSENT:** None**Motion Passed: 5-0****10. INFORMATIONAL REPORTS**

- A. Written Communications Received – on file.

**11. ACTION ITEMS**

Prior to discussion of item 11A; 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.

- A. **Approve and authorize the General Manager to execute a Budget Amendment for the Oasis In-Lieu Recharge Project (C02001), in the amount of \$3,000,000.**

Following a presentation by David Wilson, Engineer Manager, the board discussed a budget amendment for the Oasis In-Lieu Recharge Project.

***On a motion by Director Aguilar, second by Director Estrada,*** the Board approved and authorized the General Manager to execute a budget amendment for the Oasis In-Lieu Recharge Project (C02001),

**Approved by the following vote:**

**AYES:** Powell, Estrada, Aguilar

**NOES:** None

**ABSENT/RECUSED:** Bianco, Nelson

**Motion Passed: 3-0**

- B. **Authorize the General Manager to execute a Memorandum of Understanding with Riverside County Flood Control and Water Conservation District to Certify the Levees located along the Whitewater River Stormwater Channel (WWRSC) between Vista Chino and Ramon Road.**

Following a presentation by David Wilson, Engineer Manager, the board discussed a memorandum of understanding with Riverside County Flood Control and Water Conservation District.

***On a motion by Director Estrada, second by Director Aguilar,*** the Board approved and authorized the General Manager to execute a Memorandum of Understanding with Riverside County Flood Control and Water Conservation District to Certify the Levees located along the Whitewater River Stormwater Channel (WWRSC) between Vista Chino and Ramon Road.

**Approved by the following vote:**

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

**NOES:** None

**ABSENT:** Nelson

**Motion Passed: 4-0**

- C. **Authorize an Increase in the General Manager's Signing Authority from \$75K to \$150K for the Hydraulic Review of the CV Link Project.**

Following a presentation by David Wilson, Engineer Manager, the board discussed the signing authority of the General Manager for the hydraulic review of the CV Link Project.

***On a motion by Director Bianco, second by Director Aguilar,*** the Board approved an increase in the General Manager's Signing Authority from \$75K to \$150K for the Hydraulic Review of the CV Link Project.

**Approved by the following vote:****AYES:** Powell, Bianco, Aguilar**NOES:** None**ABSENT:** Estrada, Nelson**Motion Passed: 3-0**

- D. **Rescind RFP No. 2021-10 for OPEB Trust Administrative and Investment Management Services and authorize staff to execute an Amendment to the Existing Contract with PFM Asset Management for Continuation of Services.**

Following a presentation by Geoffrey Kiehl, Director of Finance, the board discussed rescinding RFP No. 2021-10 for OPEB Trust Administrative and Investment Management Services and entering into an amendment to the existing contract with PFM.

***On a motion by Director Aguilar, second by Director Bianco,*** the Board approved rescinding of RFP No. 2021-10 for OPEB Trust Administrative and Investment Management Services and authorized the General Manager to execute an amendment to the Existing Contract with PFM Asset Management for Continuation of Services.

**Approved by the following vote:****AYES:** Powell, Bianco, Aguilar**NOES:** None**ABSENT:** Estrada, Nelson**Motion Passed: 3-0****12. BOARD COMMENTS AND REPORTS**

- A. Board Member General Comments – no reports
- B. Meetings and Conference Reports
- i June 9, 2021 Colorado River Board of Director's Meeting (Director's Nelson and Estrada) **\*\*CONTINUE**
  - ii June 9, 2021 Six Agency Committee Meeting (Director's Nelson and Estrada) **\*\*CONTINUE**
  - iii June 10, 2021 Coachella Valley Conservation Commission Meeting (Director Bianco)
  - iv June 10, 2021 Desert Valley's Builders Association Board Meeting (Director Powell) **\*\*Did not attend**
  - v June 10, 2021 Discussion with County regarding Coachella Valley Housing Projects (Director Estrada) **\*\*CONTINUE**
  - vi June 11, 2021 Discussion with General Manager Barrett regarding Duroville Mobile Home Park (Director Aguilar)
  - vii June 15, 2021 Special Board Meeting - Budget Adoption

- viii June 21, 2021 Meeting with District staff to discuss potential agricultural growth in the Coachella Valley (Director Nelson)  
Director Powell attended **\*\*CONTINUE**

### **Additional Meetings Reported**

- ix June 17, 2021 Desert Valleys Builders Association Annual Membership Appreciation event (Director Powell)
  - x June 18, 2021 Meeting with Woodhaven Country Club Board regarding recycled water (Director Bianco)
- C. Approval of per diem for meetings reported

***On a motion by Director Bianco, second by Director Aguilar,***  
the Board approved per diem for meetings reported.

**Approved by the following vote:**

**AYES:** Powell, Bianco, Aguilar

**NOES:** None

**ABSENT:** Estrada, Nelson

**Motion Passed: 3-0**

### **13. STAFF REPORTS**

- A. General Manager, Jim Barrett provided an update on COVID numbers and the reopening of CVWD facilities to the public.
- B. Counsel, Jeff Ferre provided an update on the upcoming changes to virtual meeting requirements due to the anticipated changes in the Governor's Executive Orders.
- C. Departments - none

### **14. 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 Claims: Randall Roberts (two claims filed)
- B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: Significant exposure to litigation pursuant to paragraphs (2) and (4) of subdivision (d) of Government Code Section 54956.9  
One (1) potential case
- C. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION: Pursuant to Government Code § 54956.9 (a) Name of Case: Rancho Mirage Mobile Home Community, LP., v. Coachella Valley Water District; US District Court, Central District Case No. 5:20-cv-02359 JWH (SHKx)

### **15. RECONVENE**

**15. RECONVENE****A. Report out of Closed Session**

President Powell reconvened the meeting back into Open Session. Counsel, Jeff Ferre reported that in regard to Item 14(A), on the first claim/comment letter, on a motion by Director Bianco and a second by Director Aguilar, the Board directed special counsel to submit a rejection letter to the extent the comment letter constituted a claim. The motion passed 3-0 with two Directors absent. In regard to the second claim/comment letter, on a motion by Director Bianco and a second by Director Aguilar, the Board directed special counsel to submit a rejection letter to the extent the comment letter constituted a claim. The motion passed 3-0 with two Directors absent.

**16. ADJOURNMENT**

There being no further business before the Board, President Powell adjourned the meeting at 10:03 a.m. The next scheduled meeting of the Coachella Valley Water District Board of Directors is Tuesday, July 14, 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