

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

July 13, 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 8:00 a.m., Tuesday, July 13, 2021 at the office of the District in Palm Desert, California. Pledge of Allegiance was led by President Powell.

2. ROLL CALL

Present: President John P. Powell, Jr
Director John Aguilar
Director Peter Nelson

Absent: Vice President Cástulo R. Estrada
Director Anthony Bianco

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

3. 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. Item 8b was continued to the July 27, 2021 agenda
- B. No emergency items added to the Agenda
- C. No changes to the order of the Agenda

4. PUBLIC COMMENT

No general public comment received.

5. 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. Approve the minutes of the June 15, 2021 Special Meeting of the CVWD Board of Directors
- B. Approve the minutes of the June 22, 2021 Regular Meeting of the CVWD Board of Directors
- C. **ITEM PULLED** - Approve and authorize the General Manager to execute the Memorandum of Understanding (MOU) with Coachella Valley Irrigated Lands Coalition
- D. Established the District's appropriation limit for Fiscal Year 2021-22 to \$55,685,377 and approved Resolution No. 2021-24, a resolution establishing the appropriations limit for Fiscal Year 2021-22.

Director Nelson requested item 5C be pulled for discussion and clarification of potential conflict be General Counsel.

On a motion by Director Nelson second by Director Aguilar, the Board approved consent calendar items 5A, 5B, and 5D.

Approved by the following vote:

AYES: Powell, Aguilar, Nelson

NOES: None

ABSENT: Estrada, Bianco

Motion Passed: 3-0

6. DISCUSSION OF ITEMS PULLED FROM CONSENT CALENDAR

- 5C. **Approve and authorize the General Manager to execute the Memorandum of Understanding (MOU) with Coachella Valley Irrigated Lands Coalition.**

Director Nelson, asked Counsel to clarify if a potential conflict existed with President Powell and himself, since they serve as appointees to the Coachella Valley Irrigated Lands Coalition (CVILC). Counsel Ferre confirmed no conflict existed and the Board could proceed with taking action on item 5C since the roles of the two Directors are limited to being appointees of the District and there is no material financial impact involved in relation to the Directors.

On a motion by Director Nelson second by Director Aguilar, the Board approved and authorized the General Manager to execute the Memorandum of Understanding (MOU) with Coachella Valley Irrigated Lands Coalition.

Approved by the following vote:

AYES: Powell, Aguilar, Nelson

NOES: None

ABSENT: Estrada, Bianco

Motion Passed: 3-0

7. INFORMATIONAL REPORTS

- A. Written Communications Received - on file
- B. Informational Reports to the Board
 - i Update on the Developer Fee Cost of Service Study for the Water System Backup Facilities Charge, Supplemental Water Supply Charge, and Sanitation Capacity Charge, presentation by Carrie Oliphant, Director of Engineering and Dan Ruiz, Engineer Manager.
 - ii Update on drought emergency, presentation by Katie Evans, Director of Communication & Conservation.

8. ACTION ITEMS

- A. **Approve an increase to the Help2Others stipend from \$100 to \$150 for eligible residential customers once every 12 months, starting August 1, 2021.**

Following a presentation by Steven Schipper, Customer Service Supervisor, the Board discussed an increase to the Help2Others stipend for eligible customers.

On a motion by Director Aguilar second by Director Nelson, the Board approved an increase to the Help2Others stipend from \$100 to \$150 for eligible residential customers once every 12 months, starting August 1, 2021.

Approved by the following vote:

AYES: Powell, Aguilar, Nelson

NOES: None

ABSENT: Estrada, Bianco

Motion Passed: 3-0

- B. ***ITEM CONTINUED*** - Approve and authorize the General Manager to execute a Contract Services Agreement with A.C. Water Service for Water Tender Services for the Oasis Mobile Home Park, presentation by Ruben Rivera, Assistant Director, Operations.

C. **Approve Resolution No. 2021-25, establishing Fiscal Year 2021-22 Assessment District Assessments and Resolution No. 2021-26, Community Facilities District 102 Special Taxes.**

Following a presentation by Geoffrey Kiehl, Director of Finance, the Board discussed the Assessment District Assessments and the Community Facilities District 102 Special Taxes.

On a motion by Director Nelson second by Director Aguilar, the Board approved the following:

- Resolution No. 2021-25, a resolution establishing Fiscal Year 2021-22 Assessment District Assessments, Collection of funds required to meet debt service and other administrative obligations for Assessment Districts (ADs) 33, 68, and 70; and
- Resolution No. 2021-26, a resolution establishing Community Facilities District 102 Special Taxes, Collection of funds required to meet maintenance, repair, replacement, and other administrative obligations for Community Facilities District (CFD) No. 102; and request the County of Riverside to levy and collect such taxes on behalf of Community Facilities District No. 102

Approved by the following vote:

AYES: Powell, Aguilar, Nelson

NOES: None

ABSENT: Estrada, Bianco

Motion Passed: 3-0

D. **Approve and authorize the General Manager to execute an Amendment to the Professional Services Agreement with Carollo Engineers, Inc. for the SGMA Fee Analysis and Annual Update Services.**

Following a presentation by Geoffrey Kiehl, Director of Finance, the Board discussed an amendment to the Professional Services Agreement with Carollo Engineers, Inc. for the SGMA Fee Analysis and Annual Update Services.

On a motion by Director Aguilar second by Director Nelson, the Board approved and authorized the General Manager to execute an amendment to the Professional Services Agreement with Carollo Engineers, Inc. for the completion of the Cost of Service Study (COSS) for the SGMA Fee Analysis and Annual Update Services. in the amount of \$79,200.

Approved by the following vote:

AYES: Powell, Aguilar, Nelson

NOES: None

ABSENT: Estrada, Bianco

Motion Passed: 3-0

- E. **Approve Resolution No. 2021-27, Closing Resolution to Authorize the Execution and Delivery of the Financing Agreement with State Water Resources Control Board (SWRCB) Agreement No. D2001010 for the WRP 10 Non-Potable Water (NPW) Pipeline Connection Project 2017-18 (Phase 1) in the amount of \$33 Million.**

Following a presentation by Geoffrey Kiehl, Director of Finance, the Board discussed the financing agreement with SWRCB.

On a motion by Director Nelson second by Director Aguilar, the Board approved Resolution No. 2021-27, a resolution authorizing the execution and delivery of the financing agreement with State Water Resources Control Board (SWRCB) Agreement No. D2001010 for the Nonpotable Water Pipeline Connection Project, 2017-18, in the amount of \$33 million.

Approved by the following vote:

AYES: Powell, Aguilar, Nelson

NOES: None

ABSENT: Estrada, Bianco

Motion Passed: 3-0

9. ORDINANCES FOR ADOPTION

- A. **Repeal Ordinance No. 1429.3 and Adopt Ordinance No. 1429.4, An Ordinance approving the Canal Construction Meter Rates for Fiscal Years 2022 through 2026.**

Following a presentation by Geoffrey Kiehl, Director of Finance, the Board discussed the canal construction meter rates for FY 2022 through 2026.

On a motion by Director Aguilar second by Director Nelson, the Board repealed Ordinance 1429.3 and adopted Ordinance 1429.4, an Ordinance approving the Canal Construction Meter Rates for Fiscal Years 2022 through 2026.

Approved by the following vote:

AYES: Powell, Aguilar, Nelson

NOES: None

ABSENT: Estrada, Bianco

Motion Passed: 3-0

- B. **Repeal Ordinance No. 1422.5 and adopt Ordinance 1422.6, adopting the Water Shortage Contingency Plan.**

Following a presentation by Katie Evans, Director of Communication and Conservation, the Board discussed the need

for adoption of a new ordinance to set forth in one document all of the policies in regard to the Water Shortage Contingency Plan.

On a motion by Director Nelson second by Director Aguilar, the Board Repealed Ordinance No. 1422.5 and approved Ordinance 1422.6, adopting the Water Shortage Contingency Plan.

Approved by the following vote:

AYES: Powell, Aguilar, Nelson

NOES: None

ABSENT: Estrada, Bianco

Motion Passed: 3-0

10. BOARD COMMENTS AND REPORTS

A. Board Member General Comments

- Director Nelson reported on water levels; the 24-month study shows the second driest runoff in history.
- Director Aguilar had no comments.
- President Powell had no comments.

B. Meetings and Conference Reports

- i June 7, 2021 North Lake Update Alternate 1/Alternate 1A with County and Salton Sea Authority (Director Estrada)
- ii June 7, 2021 CVWD Oasis meeting with State Water Board and EPA (Director Estrada)
- iii June 9, 2021 Colorado River Board of Director's Meeting (Director's Nelson and Estrada)
- iv June 9, 2021 Six Agency Committee Meeting (Director's Nelson and Estrada)
- v June 10, 2021 Discussion with County regarding Coachella Valley Housing Projects (Director Estrada)
- vi June 11, 2021 North Lake Update Alternative 1/Alternative 1A with County and Salton Sea Authority and State of California (Director Estrada)
- vii June 21, 2021 Zoom meeting - Potential Agricultural Growth in the Coachella Valley (Director's Powell and Nelson)
- viii June 23, 2021 CVWD and City of Palm Desert meeting (Director's Bianco and Estrada)
- ix June 24, 2021 Salton Sea Authority Board of Directors Meeting (Director's Bianco and Estrada)
- x June 25, 2021 Meeting with Salton Sea Authority for updates (Director Estrada)
- xi June 28, 2021 California Farm Water Coalition meeting (Director Nelson) *did not attend
- xii July 8, 2021 Desert Valley's Builders Association Board Meeting (Director Powell) **meeting is on July 14

Additional meetings reported:

- xiii July 8, 2021 Coachella Valley Irrigated Lands Coalition Meeting (Directors Powell and Nelson)
- xiv July 12, 2021 Meeting with Chris Harris of Colorado River Board (Director Nelson)

- C. Approval of per diem for meetings reported
On a motion by Director Nelson second by Director Aguilar,
the Board approved per diem for meetings reported.

Approved by the following vote:**AYES:** Powell, Aguilar, Nelson**NOES:** None**ABSENT:** Estrada, Bianco**Motion Passed: 3-0****11. STAFF REPORTS**

- A. General Manager – Jim Barrett provided the board an update on COVID-19 numbers, percentage of CVWD staff vaccinated and that CVWD facilities had reopened to the public with new business hours of 8:00am to 4:00pm.
- B. Counsel – Jeff Ferre reported on the impending expiration of the Governor’s Executive Orders regarding Brown Act waivers and the utility shut-off moratorium as of September 30, 2021 and potential legislation on these topics.
- C. Departments – None

12. CLOSED SESSION AGENDA

- A. *CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION* (Paragraph (1) of subdivision (d) of Government Code Section 54956.9)
Name of case: Navajo Nation v. U.S. Department of Interior et al, Ninth Circuit Case No. 19-17088
- B. *CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION* (Paragraph (1) of subdivision (d) of Government Code Section 54956.9)
Name of case: CVWD v. State Water Resources Control Board; Regional Water Quality Control Board, Colorado River Basin Region
- C. *CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION* Significant exposure to litigation pursuant to paragraph (2), and initiation of litigation pursuant to paragraph (4), of subdivision (d) of Government Code Section 54956.9
Two (2) potential cases

13. RECONVENE

- A. Report out of Closed Session

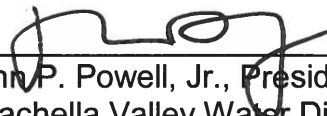
President Powell reconvened the meeting back into Open Session. Counsel, Jeff Ferre reported that in regard to 12(B), there was an update given as to the resolution of the matter to the District's satisfaction and that documentation to complete the matter is ongoing.

14. ADJOURNMENT

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