

DIVISION 1
John Aguilar
Director

DIVISION 2
Anthony Bianco
Director

DIVISION 3
John Powell, Jr.
President

DIVISION 4
Peter G. Nelson
Director

DIVISION 5
Castulo Estrada
Vice President



Steve Robbins
Administration Building
Board Chambers

75515 Hovley Ln. East
Palm Desert

www.cvwd.org

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

October 12, 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 8:04 a.m., Tuesday, October 12, 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 Anthony Bianco
Director Peter Nelson

Absent: Vice President Cástulo R. Estrada

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. No items were removed or continued from the Agenda
- B. No emergency items added to the Agenda
- C. No changes to the order of the Agenda

4. PUBLIC COMMENT

No 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 minutes of the September 28, 2021 Coachella Valley Water District Board of Directors meeting
- B. Adopt a Revised Policy For Disposal of Surplus Real Property with an adoption date of October 12, 2021
- C. Approve payment of Fiscal Year 2021-22 CalDesal Annual dues in the amount of \$1,000
- D. ***PULLED FOR DISCUSSION*** - Approve payment of Annual Water Rights Permit Fees to State Water Resources Control Board for Fiscal Year 2021/2022 in the amount of \$176,755.09
- E. Approve and authorize the General Manager to execute Task Order No. 3 to the Professional Services Agreement with Michael Baker International, in the amount of \$104,720 to include Additional Engineering Design Services for preparation of Revised Pipeline Alignments and Additional Connections for a Portion of the Nine New Non-Potable Water Pipeline Design Projects for Fiscal Year 2020-21, and Approve Additional Expenditures for a total request of \$154,720

On a motion by Director Bianco second by Director Aguilar, the Board approved the consent calendar, with the exception of 5D, which was pulled by Director Nelson.

Approved by the following roll call vote:

AYES: Powell, Bianco, Aguilar, Nelson

NOES: None

ABSENT: Estrada

Motion Passed: 4-0

6. DISCUSSION OF ITEMS PULLED FROM CONSENT CALENDAR

5.D. Approve payment of Annual Water Rights Permit Fees to State Water Resources Control Board for Fiscal Year 2021/2022 in the amount of \$176,755.09.

Following a presentation by Steve Bigley, Director of Environmental Services, the Board discussed any options for challenging the fees which are imposed on the District's various water rights.

On a motion by Director Bianco second by Director Aguilar, the Board approved payment of Annual Water Rights Permit Fees to

State Water Resources Control Board for Fiscal Year 2021/2022 in the amount of \$176,755.09.

Approved by the following roll call vote:

AYES: Powell, Bianco, Aguilar, Nelson

NOES: None

ABSENT: Estrada

Motion Passed: 4-0

7. INFORMATIONAL REPORTS

- A. Written Communications Received – on file

8. ACTION ITEMS

- A. **Approve Solicitation of Bids for the Whitewater River Stormwater Channel Bank Protection Upstream of Cook Street Project (Project No. SW2003).**

Following a presentation by David Wilson, Engineer Manager, the Board discussed the solicitation of bids for the Whitewater River Stormwater Channel Bank Protection Upstream of Cook Street Project (Project No. SW2003).

On a motion by Director Bianco second by Director Nelson, the Board approved the Solicitation of Bids for the Whitewater River Stormwater Channel Bank Protection Upstream of Cook Street Project (Project No. SW2003).

Approved by the following roll call vote:

AYES: Powell, Bianco, Aguilar, Nelson

NOES: None

ABSENT: Estrada

Motion Passed: 4-0

- B. **Approve and authorize the following actions related to the California Environmental Quality Act (CEQA) Review for the Ion Exchange Treatment Plant (IXTP) 7991 Replacement Project**

- certify the Mitigated Negative Declaration (MND)
- adopt the Mitigation Monitoring and Reporting Program (MMRP) for the IXTP 7991 Replacement Project
- authorize the filing of the Notice of Determination to complete the CEQA review process for the project and meet federal requirements

Following a presentation by Steve Bigley, Director of Environmental Services and Haley Johnson, Consultant for Woodard and Curran, the Board discussed the California Environmental Quality Act (CEQA) Review for the Ion Exchange Treatment Plant (IXTP) 7991 Replacement Project.

On a motion by Director Bianco second by Director Aguilar, the Board approved the following actions related to the California Environmental Quality Act (CEQA) Review for the Ion Exchange Treatment Plant (IXTP) 7991 Replacement Project:

- certified the Mitigated Negative Declaration (MND)
- adopted the Mitigation Monitoring and Reporting Program (MMRP) for the IXTP 7991 Replacement Project
- authorized the filing of the Notice of Determination to complete the CEQA review process for the project and meet federal requirements

Approved by the following roll call vote:

AYES: Powell, Bianco, Aguilar, Nelson

NOES: None

ABSENT: Estrada

Motion Passed: 4-0

C. **Consideration of a resolution authorizing remote teleconference/virtual meetings of Coachella Valley Water District (CVWD) legislative bodies for the 30 day period of October 12, 2021 to November 11, 2021 pursuant to Brown Act provisions and AB 361**

Following a presentation by Sylvia Bermudez, Clerk of the Board and Jeff Ferre, CVWD General Counsel, the Board discussed a resolution authorizing remote teleconference/virtual meetings for the CVWD Board meetings.

On a motion by Director Aguilar second by Director Bianco, the Board approved Resolution No. 2021-041, authorizing remote teleconference/virtual meetings of Coachella Valley Water District legislative bodies for the 30 day period of October 12, 2021 to November 11, 2021 pursuant to Brown Act provisions and AB 361.

Approved by the following roll call vote:

AYES: Powell, Bianco, Aguilar, Nelson

NOES: None

ABSENT: Estrada

Motion Passed: 4-0

9. **BOARD COMMENTS AND REPORTS**

A. Board Member General Comments

- Director Nelson commented he was happy to see snow in the mountains; reported he would be a state witness at an upcoming Colorado River Board meeting of the subcommittee on water, oceans, and wildlife on Friday, October 15.

- Director Aguilar reported he would be participated in three virtual tours on October 14, conducted by the Water Education Foundation.
- Directors Bianco and Powell had no report.

B. Meetings and Conference Reports

- i September 30, 2021 Legislative Committee Meeting (Directors Aguilar and Estrada) **continued to 10/26/21 for Estrada
- ii October 1, 2021 Finance Committee Meeting (Directors Aguilar and Estrada) **continued to 10/26/21 for Estrada
- iii October 4, 2021 CVWD Water Tender Services to Oasis Mobile Home Park (Director Estrada) **continued to 10/26/21
- iv October 5, 2021 CVWD Presentation at La Quinta City Council Meeting (Directors Powell and Nelson)
- v October 11, 2021 Joint CVWD/Tribal Utility Authority Meeting (Director Powell)

Additional meetings reported:

- vi September 29, 2021 Lower Basins Principals Meeting (Director Nelson)
- vii October 5, 2021 Meeting with Dave Smith, golf course planner for the CV Golf Course Project in the Oasis area (Director Powell)
- viii October 7, 2021 Meeting with CVWD staff regarding CV Golf Course project (Director Powell)

C. Approval of per diem for meetings reported

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

Approved by the following roll call vote:

AYES: Powell, Bianco, Aguilar, Nelson

NOES: None

ABSENT: Estrada

Motion Passed: 4-0

10. STAFF REPORTS

- A. General Manager, Jim Barrett reported on current COVID numbers at CVWD, proposed draft vaccine policy that was distributed to bargaining unit representatives, and on the COVID-19 informational sessions held for CVWD employees.
- B. Counsel, Jeff Ferre reported on adoption of SB 323 regarding the new statute of limitations for challenges to certain types of fees and charges.
- C. Departments
 - Victoria Llort, Government Affairs Specialist, provided a legislative update to the Board.

11. CLOSED SESSION AGENDA

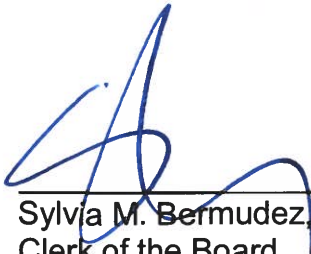
- A. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Government Code Section 54956.9) two claims:
- Claimant: Howard Jarvis Taxpayers Association (RAC Rate Challenge)
 - Claimant: Howard Jarvis Taxpayers Association (SWP Tax Challenge)
- B. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Government Code Section 54956.9) Dos Santos De Sa & Cheng v. CVWD (Imperial County Superior Court Case No. 3ECU001562; Araujo, Dos Santos, Carvalho v. CVWD (US District Court, Southern District Case No. '20 CV1800 AJB LL)
- C. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Government Code Section 54956.9) Imperial Irrigation District v. The Metropolitan Water District of Southern California, Coachella Valley Water District et al, Los Angeles County Superior Court Case No. 19STCP01376, California Court of Appeal Case No. B311674.
- D. CONFERENCE WITH LABOR NEGOTIATORS Pursuant to Government Code Section 54957.6
Agency negotiators: Jay Trinnaman and Scott Hunter
Employees' organization: Association of Coachella Valley Water District Managers (ACVWDM)

12. RECONVENE


- A. Report out of Closed Session
Board President, John Powell convened the meeting back to open session. Counsel Jeff Ferre, reported on item 11A as follows:
- On the first claim, Howard Jarvis Taxpayers Association regarding the Replenishment Assessment Charges (RAC) Rate Challenge; On a **motion by Director Aguilar, second by Director Nelson, on a vote of 4-0**, the board took action to return the claim without action as partly untimely and to reject otherwise on its merit.
 - On the second claim, Howard Jarvis Taxpayers Association regarding State Water Project (SWP) Tax Challenge; On a **motion by Director Nelson, second by Director Aguilar, on a vote of 4-0**, the board took action to return the claim without action as partly untimely and to reject otherwise on its merit.
 - There were no reportable actions for items 11B through 11D.

13. ADJOURNMENT

There being no further business before the Board, President Powell adjourned the regular meeting of the Coachella Valley Water District Board of Directors at 9:51 a.m. The next regular scheduled meeting will be on Tuesday, October 26, 2021 at 8:00 a.m.



Sylvia M. Bermudez, MMC
Clerk of the Board
Coachella Valley Water District



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