

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

December 7, 2021

1. CALL TO ORDER

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, November 9, 2021 at the office of the District in Palm Desert, California. Pledge of Allegiance was led by President Powell,

2. ROLL CALL/PLEDGE OF ALLEGIANCE

Present: President John P. Powell, Jr
Vice President Cástulo R. Estrada
Director John Aguilar
Director Anthony Bianco
Director Peter Nelson

Absent: None

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

3. PUBLIC COMMENT FOR CLOSED SESSION AGENDA

No public comment received.

4. CLOSED SESSION AGENDA

The Board convened into Closed Session to discuss the following items:

- A. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION Pursuant to Government Code § 54956.9 (a) Name

- of Case: Agua Caliente Band of Cahuilla Indians v. Coachella Valley Water District, et al., Case No. 5:13-cv-00883-JGB (SPx)
- B. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION Pursuant to Government Code § 54956.9 (a) Name of Case: Agua Caliente Band of Cahuilla Indians v. Coachella Valley Water District, et al., Case No. 5:20-cv-00174-JGB-SPx
- C. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION Pursuant to Government Code § 54956.9 (a) Name of Case: Roberts v. Coachella Valley Water District, RIC 1825310 (SWP Mandate):
- D. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION Pursuant to Government Code § 54956.9 (a) Name of Case: Roberts v. Coachella Valley Water District, RIC 1904943 (Canal)
- E. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION Pursuant to Government Code § 54956.9 (a) Name of Case: Roberts v. Coachella Valley Water District, RIC 1905897 (RAC Mandate)
- F. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION Pursuant to Government Code § 54956.9 (a) Name of Case: Roberts v. Coachella Valley Water District, PSC 1904774 (MVP Lawsuit):
- G. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION Pursuant to Government Code § 54956.9 (a) Name of Case: Roberts v. Coachella Valley Water District, PSC 1905977 (SWP Validation FY2020):
- H. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION Pursuant to Government Code § 54956.9 (a) Name of Case: Roberts v. Coachella Valley Water District, PSC 2003606 (RAC Validation FY2021)
- I. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION Pursuant to Government Code § 54956.9 (a) Name of Case: Roberts v. Coachella Valley Water District, PSC 2003702 (SWP Validation FY2021)
- J. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION Pursuant to Government Code § 54956.9 (a) Name of Case: Howard Jarvis Taxpayers Association v. Coachella Valley Water District, CVRI 2103373 (RAC Validation FY2022):
- K. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION Pursuant to Government Code § 54956.9 (a) Name of Case: Howard Jarvis Taxpayers Association v. Coachella Valley Water District, CVPS 2102910 (SWP Validation FY2022)
- L. 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

5. RECONVENE TO OPEN SESSION

- A. Report out of Closed Session
President Powell reconvened the meeting into Open Session and announced there were no reportable actions.

6. PUBLIC COMMENT OPEN SESSION AGENDA

No general public comment received.

7. 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

8. 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. Affirm Resolution No. 2021-43, and findings related to the State of Emergency due to COVID-19 and authorize the continued use of remote teleconferencing provisions pursuant to AB 361 and Government Code Section 54953
B. Approve the minutes of the November 9, 2021 Coachella Valley Water District Board of Directors Meeting.
C. Accept and file General Manager's Report of Activities October 2021.
D. Accept and file General Manager's Report of Authorizations, Executions, and Acceptance of Documents during the month of October 2021.
E. Approve and authorize the General Manager to execute the Ninth Amendment to Tolling and Waiver Agreement with the California Department of Water Resources.
F. Approve payment of WaterReuse Association 2022 Annual Membership dues in the amount of \$10,815.
G. Approve payment of American Water Works Association Partnership for Safe Water Distribution and Clean Water

- Treatment Membership dues for March 1, 2022 through February 28, 2023, in the amount of \$2,600.
- H. Approve payment of California Farm Water Coalition 2022 Annual Membership Dues in the amount of \$9,090.
 - I. Approve and authorize the General Manager to execute the Biennial On-Call Contract Service Agreement to provide on-call biennial services to adjust domestic water valve operator wells and sewer manholes for the period December 8, 2021 to December 8, 2023.
 - J. Approve and authorize the General Manager to execute a Memorandum of Understanding for Integrated Regional Water Management Planning and Funding in the Colorado River Basin Funding Area.
 - K. Approve and authorize the General Manager to execute the Third Supplement to Memorandum of Understanding Regarding Governance of the Indio Subbasin under the Sustainable Groundwater Management Act.
 - L. Award Professional Services Agreements with eleven (11) top-ranked firms for on-call Biennial Engineering Services and authorize the General Manager to execute said agreement in order to provide support for the execution of CVWD's Capital Improvement Plan (CIP) over the next two calendar years.
 - M. Approve and authorize the General Manager to execute a three-year consulting agreement with Northern Digital, Inc., in the amount of \$210,000 for SCADA System Support and Maintenance, with the option for a two-year extension for a maximum of five years, for a total cost of \$350,000.
 - N. Approve the Memorandum of Understanding between ACVWDM and CVWD.

On a motion by Director Aguilar second by Director Nelson, the Board approved the consent calendar items 5A through 5N.

Approved by the following roll call vote:

AYES: Powell, Bianco, Aguilar, Nelson

NOES: None

ABSENT: Estrada

Motion Passed: 4-0

9. DISCUSSION OF ITEMS PULLED FROM CONSENT CALENDAR

No items pulled for discussion.

10. PRESENTATIONS AND RECOGNITIONS

- A. **Proclamation recognizing Katie Evans, Director of Communication & Conservation for her dedicated service to Coachella Valley Water District.**

The Board presented Katie Evans, Director of Communication and Conservation with a proclamation for her dedicated service to the District.

11. PUBLIC HEARING

A. **Conduct a public hearing to consider adoption of the Sustainable Groundwater Management Act - 2022 Mission Creek Subbasin Alternative Plan Update and approve Resolution No. 2021-45.**

Following a presentation by Zoe Rodriguez del Rey, Water Resources Manager, Board President Powell opened the public hearing.

President Powell opened the public hearing to receive public input regarding adoption of the Sustainable Groundwater Management Act - 2022 Mission Creek Subbasin Alternative Plan Update. 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. There were no public testimony. President Powell closed the public hearing.

On a motion by Director Nelson second by Director Aguilar, the Board approved the adoption of the Sustainable Groundwater Management Act - 2022 Mission Creek Subbasin Alternative Plan Update and approved Resolution No. 2021-45.

Approved by the following roll call vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

B. **Conduct a public hearing to consider adoption of the Sustainable Groundwater Management Act - 2022 Indio Subbasin Alternative Plan Update, and approve Resolution No. 2021-46.**

Following a presentation by Zoe Rodriguez del Rey, Water Resources Manager, Board President Powell opened the public hearing.

President Powell opened the public hearing to receive public input regarding adoption of the Sustainable Groundwater Management Act - 2022 Indio Subbasin Alternative Plan Update. 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. The following

members of the public provided public comment: Alice Callimanis, Nataly Escobedo-Garcia, and Omar Gastelum

After receiving public testimony, President Powell closed the public hearing.

On a motion by Director Bianco second by Director Nelson, the Board approved the adoption of the Sustainable Groundwater Management Act - 2022 Indio Subbasin Alternative Plan Update, and approved Resolution No. 2021-46.

Approved by the following roll call vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

12. INFORMATIONAL REPORTS

- A. Written Communications Received – on file

13. ACTION ITEMS

- A. **Approve and authorize the General Manager to execute the Special Domestic Water System Installation Agreement with GHA Montage PD LLC, for 63 residential units on approximately 23.4 acres in Palm Desert.**

Following a presentation by Elmer Alex, Assistant Director of Engineering Services & Planning.

On a motion by Director Aguilar second by Director Nelson, the Board approved and authorized the General Manager to execute the Special Domestic Water System Installation Agreement with GHA Montage PD LLC, for 63 residential units on approximately 23.4 acres in Palm Desert

Approved by the following roll call vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

- B. **Approve solicitation of bids for the Replacement of Ion Exchange Treatment Plant No. 7991 Project, Specification No. 2022-4 and authorize the General Manager to negotiate a funding agreement with the County of Riverside.**

Following a presentation by Dan Ruiz, Engineer Manager, the Board then discussed the solicitation of bids for the replacement of the Ion Exchange Treatment Plant No. 7991 Project, Specification No. 2022-4.

On a motion by Director Estrada second by Director Nelson, the Board approved the solicitation of bids for the Replacement of Ion Exchange Treatment Plant No. 7991 Project, Specification No. 2022-4 and authorized the General Manager to negotiate a funding agreement with the County of Riverside.

Approved by the following roll call vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

- C. **Award a Construction Contract with Standard Demolition, Inc., in the amount of \$98,721 for the Demolition of Reservoir No. 6858 (Blue Water Tower) on the Coachella Campus Project, Specification No. 2021-23, and approve additional expenditures for a total request of \$155,000.**

Prior to staff's presentation, President Powell recused himself and left the room in order to avoid even an appearance of a conflict due to the fact that he has a real property interest in property adjacent to the property subject to this project .

Following a presentation by Dan Ruiz, Engineer Manager, the Board discussed a construction contract for the demolition of Reservoir No. 6858 (Blue Water Tower) at the Coachella Campus.

On a motion by Director Nelson second by Director Aguilar, the Board approved awarding a Construction Contract with Standard Demolition, Inc., in the amount of \$98,721 for the Demolition of Reservoir No. 6858 (Blue Water Tower) on the Coachella Campus Project, Specification No. 2021-23, and approved additional expenditures for a total request of \$155,000.

Approved by the following roll call vote:

AYES: Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

ABSTAINED: Powell

Motion Passed: 4-0

- D. **Approve and authorize the General Manager to execute a Professional Services Agreement with Albert A. Webb Associates in the amount of \$1,003,920 for consulting services for the planning phase for the Highway 86 Water Transmission Main, Phase 3 and 4 Project, approve Budget Amendment Resolution No. 21-22-05, including additional expenditures for a total request of \$1,118,000.**

Following a presentation by Dan Ruiz, Engineer Manager, the Board discussed a Professional Services Agreement with Albert A. Webb Associates for the planning phase for the Highway 86 Water Transmission Main, Phase 3 and 4.

On a motion by Director Nelson second by Director Aguilar, the Board approved and authorized the General Manager to execute a Professional Services Agreement with Albert A. Webb Associates in the amount of \$1,003,920 for consulting services for the planning phase for the Highway 86 Water Transmission Main, Phase 3 and 4 Project. The Board also approved Budget Amendment Resolution No. 21-22-05, including additional expenditures for a total request of \$1,118,000.

Approved by the following roll call vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

- E. **Certify the Mitigated Negative Declaration (MND) and adopt the Mitigation Monitoring and Reporting Program (MMRP) for the Airport Boulevard Sewer Project, and provide authorization for staff to file a Notice of Determination to complete the CEQA review process and meet federal requirements under the National Environmental Policy Act (NEPA) for grant funding eligibility.**

Following a presentation by William Patterson, Environmental Services Supervisor, the Board discussed the mitigated negative declaration (MND) for the Airport Boulevard Sewer Project.

On a motion by Director Bianco second by Director Nelson, the Board certified the Mitigated Negative Declaration (MND) and adopted the Mitigation Monitoring and Reporting Program (MMRP) for the Airport Boulevard Sewer Project, and provided authorization for staff to file a Notice of Determination to complete the CEQA review process and meet federal requirements under the National Environmental Policy Act (NEPA) for grant funding eligibility

Approved by the following roll call vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

- F. **Certify the Mitigated Negative Declaration (MND) and adopt the Mitigation Monitoring and Reporting Program (MMRP) for**

the Booster Station 5513 and Reservoir 5514-2 Project, and provide authorization for staff to file a Notice of Determination to complete the CEQA review process and meet federal requirements under the National Environmental Policy Act (NEPA) for grant funding eligibility.

Following a presentation by William Patterson, Environmental Services Supervisor, the Board discussed the mitigated negative declaration (MND for the Booster Station 5513 and Reservoir 5514-2 Project.

On a motion by Director Aguilar second by Director Bianco, the Board certified the Mitigated Negative Declaration (MND) and adopt the Mitigation Monitoring and Reporting Program (MMRP) for the Booster Station 5513 and Reservoir 5514-2 Project, and provided authorization for staff to file a Notice of Determination to complete the CEQA review process and meet federal requirements under the National Environmental Policy Act (NEPA) for grant funding eligibility.

Approved by the following roll call vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

- G. **Certify the Mitigated Negative Declaration (MND) and adopt the Mitigation Monitoring and Reporting Program (MMRP) for the Reservoirs 4711-3 and 4711-4, and provide authorization for staff to file a Notice of Determination to complete the CEQA review process and meet the federal requirements under the National Environmental Policy Act (NEPA) for grant funding eligibility.**

William Patterson, Environmental Services Supervisor, the Board discussed the mitigated negative declaration (MND) for Reservoirs 4711-3 and 4711-4

On a motion by Director Nelson second by Director Bianco, the Board certified the Mitigated Negative Declaration (MND) and adopted the Mitigation Monitoring and Reporting Program (MMRP) for the Reservoirs 4711-3 and 4711-4. The Board also provided authorization for staff to file a Notice of Determination to complete the CEQA review process and to meet the federal requirements under the National Environmental Policy Act (NEPA) for grant funding eligibility.

Approved by the following roll call vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

14. ORDINANCES FOR ADOPTION

- A. **Consider adoption of the Water System Backup Facility Charge (WSBFC), Water Demand Offset Fee, Domestic Water Design Criteria, and approval of Ordinance 1399.14, amending Parts 1, 4, 5, and Appendix A-14 of the “Regulations Governing Domestic Water Service”.**

Following a presentation by Carrie Oliphant, Director of Engineering, the Board discussed an ordinance related to the Water System Backup Facility Charge (WSBFC), Water Demand Offset Fee, Domestic Water Design Criteria.

On a motion by Director Nelson second by Director Bianco, the Board approved the adoption of the Water System Backup Facility Charge (WSBFC), Water Demand Offset Fee, Domestic Water Design Criteria, and approved Ordinance 1399.14, amending Parts 1, 4, 5, and Appendix A-14 of the “Regulations Governing Domestic Water Service.

Approved by the following roll call vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

- B. **Consider adoption of the Sanitation Capacity Charge and Approve Ordinance 1427.3, amending Table A-2 of the “Regulations Governing Sanitation Service”**

Following a presentation by Carrie Oliphant, Director of Engineering, the Board discussed an ordinance related to the sanitation capacity charge, amending Table A-2 of the regulations governing sanitation service.

On a motion by Director Bianco second by Director Aguilar, the Board approved the adoption of the Sanitation Capacity Charge and approved Ordinance 1427.3, amending Table A-2 of the “Regulations Governing Sanitation Service

Approved by the following roll call vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

Recessed as the Board of Directors; convened as the Public Facilities Corporation Board of Directors.

15. PUBLIC FACILITIES CORPORATION**A. Approve minutes of the December 8, 2020 Public Facilities Corporation Annual Meeting.**

On a motion by Director Nelson second by Director Bianco, the Board approved the minutes of the December 8, 2020 Public Facilities Corporation Annual Meeting.

Approved by the following roll call vote:

AYES: Powell, Estrada, Bianco, Nelson

NOES: None

ABSENT: None

ABSTAINED: Aguilar (*Director Aguilar was not on the Corporation Board at the time of the meeting documented by these minutes.*)

Motion Passed: 4-0

Adjourned as the Public Facilities Corporation; reconvened as the Board of Directors

16. BOARD COMMENTS AND REPORTS**A. Board Member General Comments**

- Director Nelson congratulated Camille Touton as the newly confirmed Bureau of Reclamation Commissioner; and Michael Connor, Assistant Secretary of the Army for Civil Works. Also, commented on the passing of former CVWD Board member Franz De Klotz.
- Director Aguilar had no comments.
- Director Bianco commented on the agenda items before the Board during today's meeting and thanked staff for the many presentations; also commented on the passing of former CVWD Board member Franz De Klotz.
- Director Powell commented on the passing of former CVWD Board member Franz De Klotz.
- Director Estrada commented on the passing of former CVWD Board member Franz De Klotz.

B. Meetings and Conference Reports

- i November 9, 2021 Water Education Foundation - Headwaters Tour: A Virtual Journey (Director Aguilar)
- ii November 10, 2021 Colorado River Board Meeting (Directors Nelson and Estrada)
- iii November 10, 2021 Constructing the Nation's Largest Ion Exchange PFAS Water Treatment Plant Webinar (Director Aguilar)
- iv November 16, 2021 Disadvantaged Communities Infrastructure Task Force Meeting (Directors Powell and Estrada)

- v November 18, 2021 California Water Policy Conference Webinar - California Water in an Era of Increasing Climate Complexity (Director Aguilar)
- vi November 18, 2021 Coachella Valley Conservation Commission Meeting (Director Bianco) ****Did not attend**
- vii November 19, 2021 The Living Desert Board of Trustees & Advisory Council Meeting (Director Bianco)
- viii November 30, 2021 Meeting regarding stormwater issues in area adjacent to Classic Club in Thousand Palms (Directors Powell and Bianco)
- ix December 1, 2021 Golf and Water Task Force Meeting (Directors Powell and Bianco)

Additional meetings reported:

- x November 5, 2021 Meeting with Paul C. Hernandez, Executive Director of Water Education for Latino Leaders (Director Estrada)
- xi November 12, 2021 Basin States, U.S. Department of Interior, & Bureau of Reclamation Principals Zoom meeting (Director Nelson)
- xii November 15, 2021 California Farm Water Coalition Board Meeting (Director Nelson)
- xiii November 16, 2021 Metropolitan Water District of Southern California Conference call regarding the 500 plus plan (Director Nelson)
- xiv November 17, 2021 Imperial Irrigation District Conference regarding future conservation programs (Director Nelson)
- xv November 18, 2021 Imperial Irrigation District Agriculture Water Advisory Committee Meeting (Director Nelson)
- xvi November 18, 2021 2021 SAFER Advisory Group Meeting #3 (Director Estrada)
- xvii November 19, 2021 Principals Meeting (Director Nelson)
- xviii November 22, 2021 Basin States Meeting (Director Nelson)
- xix November 24, 2021 Agua Caliente Mediation Conference Call (Directors Powell and Estrada)
- xx November 30, 2021 Basin States, U.S. Department of Interior, & Bureau of Reclamation Principals Meeting (Director Nelson)
- xxi November 30, 2021 Meeting with Dr. Martha Garcia, President of the College of the Desert to discuss east valley campus in Mecca (Director Estrada)

C. Approval of per diem for meetings reported

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

Approved by the following roll call vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson


NOES: None
ABSENT: None
Motion Passed: 5-0

17. STAFF REPORTS

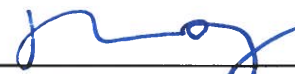
- A. General Manager, Jim Barrett offered condolences to the De Klotz family; thanked Katie Evans, Director of Communication & Conservation for her time with CVWD and wished her well in her new position with Woodward & Curran; also provided an update on COVID numbers, vaccination status of staff, and exemptions submitted.
- B. Counsel, Jeff Ferre had no report.
- C. Departments – no reports

18. 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 11:05 a.m. The next regular scheduled meeting will be on Tuesday, January 11, 2022, at the Steve Robbins Administration Building in Palm Desert.



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



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