

**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

January 11, 2022

**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 8:02 a.m., Tuesday, January 11, 2022 at the office of the District in Palm Desert, California. The Pledge of Allegiance was led by President Powell.

**2. ROLL CALL**

*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. ACTION ITEM**

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.**

Following a presentation by Sylvia Bermudez, Clerk of the Board, the Board discussed the affirmation of Resolution No. 2021-43.

***On a motion by Director Bianco second by Director Nelson,*** the Board affirmed Resolution No. 2021-43, and findings related to the State of Emergency due to COVID-19 and authorized the

continued use of remote teleconferencing provisions pursuant to AB 361 and Government Code Section 54953.

**Approved by the following roll call vote:**

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

**NOES:** None

**ABSENT:** None

**Motion Passed: 5-0**

**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) 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**

Mr. Michael Nowacki provided public comment.

**6. 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. Approved the Minutes of the Coachella Valley Water District Board of Directors Regular Meeting of December 7, 2021.
- B. Accepted and filed General Manager's Report of Authorizations, Executions, and Acceptance of Documents during the month of November 2021
- C. Accepted and filed General Manager's Report of Activities November 2021
- D. Accepted and filed Secretary's Report of Written Instruments Accepted and Recorded during the month of October 2021
- E. Accepted and filed Secretary's Report of Written Instruments Accepted and Recorded during the month of November 2021
- F. Approved Sponsorship of 2022 Water Education Foundation in the amount of \$7,500
- G. Approved the purchase of 66 iPads and accessories in the amount of \$100,965.41 through Verizon and additional expenses for a total cost of \$31,672.08 annually.
- H. Approved Resolution No. 2022-01 and Authorized the General Manager to Execute a Grant Agreement under the Proposition 1

Grant Program with Coachella Valley Mountains Conservancy (CVMC) for the Monitoring Wells Project (GD2205)

**On a motion by Director Aguilar second by Director Nelson**, the Board approved the Consent Calendar as presented.

**Approved by the following roll call vote:**

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

**NOES:** None

**ABSENT:** None

**Motion Passed: 5-0**

**7. DISCUSSION OF ITEMS PULLED FROM CONSENT CALENDAR**

No items pulled for discussion.

**8. PUBLIC HEARING**

A. **Hearing continued to January 25, 2022** --- Public hearing to receive public input on the redistricting of Coachella Valley Water District Division Boundaries as required by Election Code Section 22000 et seq.

**9. INFORMATIONAL REPORTS**

A. Written Communications Received – on file

B. Informational Reports to the Board

i Fiscal Year 2022 Budget vs Actual Financial Report for the Quarter Ending September 30, 2021, presentation by Karrie Swaine, Controller.

C. Reports to be Filed

i Receive and file the District's Annual Comprehensive Financial Report (ACFR) and financial audit reports for Fiscal Year Ending June 30, 2021, presentation by Natin Patel with Clifton Larson Allen, LLP.

**On a motion by Director Nelson, second by Director Aguilar**, the Board received and filed the District's Annual Comprehensive Financial Report (ACFR) and financial audit reports for FY ending June 30, 2021.

**Approved by the following roll call vote:**

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

**NOES:** None

**ABSENT:** None

**Motion Passed: 5-0**

**10. ACTION ITEMS**

A. **Approve the Purchase of Eight (8) Vehicles in the amount of \$1,229,094 and the Disposal of up to Nine (9) Vehicles.**

Following a presentation by Steward Taylor, Fleet Manager, the Board discussed the purchase of eight vehicles and the disposal of nine vehicles.

***On a motion by Director Aguilar second by Director Nelson,*** the Board approved the purchase of eight (8) vehicles in the amount of \$1,229,094 and the disposal of up to nine (9) vehicles.

**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 construction of the Avenue 66 Water Transmission Main, Phase 1B and Lincoln Street Water Main Extension Project, Specification No. 2021-18.**

Following a presentation by Dan Ruiz, Engineer Manager, the Board discussed the solicitation of bids for the construction of the Avenue 66 Water Transmission Main, Phase 1B and Lincoln Street Water Main Extension Projects.

***On a motion by Director Powell second by Director Estrada,*** the Board approved solicitation of bids for the construction of the Avenue 66 Water Transmission Main, Phase 1B and Lincoln Street Water Main Extension Project, Specification No. 2021-18.

**Approved by the following roll call vote:**

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

**NOES:** None

**ABSENT:** None

**Motion Passed: 5-0**

C. **Adoption of the Coachella Valley Water District 2021 Local Guidelines for Implementation of the California Environmental Quality Act.**

Following a presentation by William Patterson, Environmental Services Supervisor, the Board discussed the proposed Coachella Valley Water District 2021 Local Guidelines for Implementation of the California Environmental Quality Act.

***On a motion by Director Nelson second by Director Aguilar,*** the Board approved the Coachella Valley Water District 2021 Local Guidelines for Implementation of the California Environmental Quality Act.

**Approved by the following roll call 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

- Director Nelson reported December 2021 was a wet month; provided the following numbers: North California the eight-station index is up to 149%; snow pack across the state is 131% and 57% of the April 1 number. The Colorado River system is 131% of normal. Congratulated CVWD's Government & Regional Affairs Coordinator, Victoria Llort for her appointment to the ACWA federal legislative committee.
- Directors Aguilar, Bianco, Estrada and Powell had no report.

### B. Meetings and Conference Reports

- i December 7, 2021 Agua Caliente Mediation meeting (Director's Powell and Estrada)
- ii December 9, 2021 Salton Sea Authority Board of Directors Meeting (Directors Estrada and Bianco) *\*\*Bianco did not attend*
- iii December 9, 2021 Desert Valley's Builders Association Meeting (Director Powell)
- iv December 13, 2021 Seven Basin States Principles Meeting (Director Nelson)
- v December 13, 2021 California Farm Water Coalition Meeting (Director Nelson)
- vi December 14, 2021 to December 16, 2021 Colorado River Water Users Association Conference (Directors Powell, Estrada, Bianco & Nelson) *\*\*Bianco did not attend*
- vii December 14, 2021 Colorado River Board Meeting (Directors Estrada and Nelson)
- viii December 15, 2021 Zoom Meeting with County Supervisor V. Manuel Perez (Director Estrada)
- ix December 17, 2021 Salton Sea Authority: Personnel Ad Hoc Committee Teleconference (Director Estrada)
- x December 20, 2021 Principals Meeting regarding Agua Caliente litigation (Director's Powell & Estrada)
- xi December 21, 2021 Internal Salton Sea Tech Working Group Teleconference (Director Estrada)
- xii December 22, 2021 Meeting with IID Director JB Hamby (Director Powell)
- xiii December 27, 2021 CVWD Mandatory Training - Harassment Prevention for Supervisors (Director Powell)

- xiv December 28, 2021 Water Education for Latino Leaders (WELL) Teleconference (Director Estrada)
- xv January 4, 2022 Environmental Assessment Committee Meeting (Director Estrada)

**Additional meetings reported**

- xvi December 1, 2021 Discrimination and Harassment Training (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 roll call vote:**

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

**NOES:** None

**ABSENT:** None

**Motion Passed: 5-0**

**12. STAFF REPORTS**

- A. General Manager – Jim Barrett provided an update on COVID-19 numbers for CVWD; reminded staff that the District is not closed on Monday, January 17.
- B. Counsel – Jeff Ferre had no report.
- C. Departments – none

**13. CLOSED SESSION AGENDA**

- 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 REAL PROPERTY NEGOTIATORS Pursuant to Government Code Section 54956.8- Property is described as: 58075 Jefferson Street, La Quinta  
Agency Negotiator: Carrie Oliphant, Director of Engineering  
Negotiating Party: Riverside County Parks & Recreation District  
Under negotiation: Price and terms of payment
- D. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Government Code Section 54956.9): Alejandrina Martinez v. Kohl Ranch, and CVWD; Riverside County Superior Court Case # PSC2001233
- E. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Government

Code Section 54956.9): Courtney Moffatt v. Coachella Valley Water District & Saul Gudino Garcia, Riverside County Superior Court Case No. CVPS2102987


- F. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Government Code Section 54956.9): Jessica McAleer, a minor, by and through her Guardian Ad Litem, Brent McAleer v. County of Riverside, Coachella Valley Water District, Hunter McDaniel, a minor; Herman Rexford McDaniel, Riverside County Superior Court Case No. CVPS2105727
- G. 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 Claim: Michael Brandt
- H. PUBLIC EMPLOYEE PERFORMANCE EVALUATION Pursuant to Government Code Section 54957  
Title: General Manager

#### 14. RECONVENE

- A. Report out of Closed Session  
President Powell reconvened the meeting into Open Session; General Counsel Jeff Ferre announced there were no reportable actions for items 13A through 13F and 13G; For item 13G; reported the board voted 5-0 with a motion by Director Powell, second by Director Nelson, the board took action to deny the request for a late claim application and directed staff to send appropriate notices to claimant.


#### 15. 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 10:52 a.m. The next regular scheduled meeting will be on Tuesday, January 25, 2022, 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