

DIVISION 1

*John Aguilar
Director*

DIVISION 2

*Anthony Bianco
Director*

DIVISION 3

*John Powell
President*

DIVISION 4

*Peter G. Nelson
Director*

DIVISION 5

*Castulo Estrada
Vice President*



**Steve Robbins
Administration Building
Board Chambers**

**75515 Hovley Lane East
Palm Desert, CA**

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

www.cvwd.org

January 25, 2022

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 8:03 a.m., Tuesday, January 25, 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. 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

4. PUBLIC COMMENT

Michael Nowacki provided public comment.

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. Approved the minutes of the January 11, 2022 Regular Meeting of the Coachella Valley Water District Board of Directors
- B. Accepted and filed General Manager's Report of Activities December 2021
- C. Accepted and filed General Manager's Report of Authorizations, Executions, and Acceptance of Documents during the month of December 2021
- D. Accepted and filed the Secretary's Report of Written Instruments Accepted and Recorded during the month of December 2021
- E. Approved and authorized the General Manager to execute Task Order 30 with Woodard and Curran for the Colorado River Funding Area (CRFA) Underrepresented Communities (URC) and Tribal Set-Aside Drought Grant Administration Services
- F. Approved and authorized the General Manager to execute Task Order No. 2 to a Professional Services Agreement with Black & Veatch, in the amount of \$279,820 and authorized additional expenditures in the amount of \$20,000 to incorporate an Ultraviolet Light (UV) Disinfection on the WRP 7 Phase I Non-Potable Water Improvements Project
- G. Approved payment of The Greater Coachella Valley Chamber of Commerce 2022 Annual Membership Dues in the amount of \$710

On a motion by Director Aguilar second by Director Bianco, 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

6. DISCUSSION OF ITEMS PULLED FROM CONSENT CALENDAR

No items pulled.

7. PRESENTATIONS AND RECOGNITIONS**A. PRESENTATIONS AND RECOGNITIONS****Anniversaries**

- Erik Gentry - Electronic Technician, 20 years
- Robert Meza - Field Service Representative, 20 years
- Armando Pacheco - Mechanical Technician II, 20 years

Retirements

- Guadalupe Sandoval - Automotive II, 18 years
- Ken Gray - Zanjero III, 15 years
- Allan Besse - Mechanical Technician III, 16 years

8. PUBLIC HEARING**A. Conduct public hearing number 1 to receive public input on the redistricting of Coachella Valley Water District Division Boundaries as required by Election Code Section 22000 et seq.**

Following a presentation by Sylvia Bermudez, Clerk of the Board and Jeremy Holm, Best, Best & Krieger, Board President Powell opened the public hearing.

President Powell opened the public hearing to receive public input regarding the redistricting of CVWD Division Boundaries. Prior to the receipt of public testimony, Clerk of the Board Bermudez, provided information regarding the notice and hearing procedures. There were no public input received. President Powell closed the public hearing.

The Board discussed the two proposed Map options for CVWD boundaries. The Board requested additional data regarding the population numbers for each division, the change in population from each of the current divisions to each of the divisions in the proposed options and how the population changes from division to division for each option.

Staff will return on March 8 with additional information and at that time, public hearing number 2 will be conducted and the Board will consider potentially adopting a Map option.

9. INFORMATIONAL REPORTS**A. Written Communications Received – on file****B. Informational Reports to the Board**

- i Discussion and presentation on the Proposed \$50 Million Long-Term Fixed Rate Bond and a Potential \$59 Million Short-Term Fixed Rate Note for the Stormwater Fund for Capital Projects, presentation by Karrie Swaine, Controller.
- ii Discussion and presentation of the tentative schedule for Preparing the Engineer's Report on Water Supply and Replenishment Assessment and Levying Replenishment Assessment Charges for Fiscal Year 2022/2023, presentation by Zoe Rodriguez del Rey, Water Resources Manager

- iii Informational update on Water Conservation Policies, presentation by Scott Burritt, Director of Service & Communication & Conservation

10. ACTION ITEMS

- A. **Award a Professional Services Agreement to Black & Veatch for the WRP 10 - T1 Filter Improvements Project, in the amount of \$677,758 and additional expenditures for a total request of \$835,533.**

Following a presentation by Armando Rodriguez, Engineer Manager, the Board discussed the professional services agreement with Black & Veatch.

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

- authorized the General Manager to execute a professional services agreement with Black & Veatch for the WRP 10 - T1 Filter Improvements Project, in the amount of \$677,758
- approved the following additional expenditures for a total request of \$835,533:
 - Project Management \$75,000
 - Contingency %10% \$82,775

Approved by the following roll call vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

- B. **Authorize execution of the First Amendment to the Thousand Palms Capital Partners Development Agreement - Tract No. 30784 for revised well site requirements.**

Following a presentation by Dan Ruiz, Engineer Manager, the Board discussed the first amendment to the Thousand Palms Capital Partners Development Agreement - Tract No. 30784 for revised well site requirements. In addition, Tim Graham spoke on behalf of the development project and in regard to his recent request that the well site condition/payment requirement be waived.

The Board requested the item to be brought back at a future date with additional information for the Board's consideration including information as to whether and how such a requested waiver would impact other developments and similar requests. No action taken.

- C. **Authorize execution of a Professional Service Agreement with Q3 Consulting in the amount of \$888,756 for Engineering Design Services for the Thousand Palms Channel Improvement Project from Sun City Shadow Hills Channel to**

the Coachella Valley Stormwater Channel and approve additional expenditures for a total request of \$1,043,756.

Following a presentation by David Wilson, Engineer Manager, the Board discussed a professional service agreement with Q3 Consulting for the Thousand Palms Channel Improvement Project from Sun City Shadow Hills Channel to the Coachella Valley Stormwater Channel.

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

- approved and authorized the General Manager to execute a professional services agreement with Q3 Consulting in the amount of \$888,756 for Engineering Design Services for the Thousand Palms Channel Improvement Project from Sun City Shadow Hills Channel to the Coachella Valley Stormwater Channel.
- approved the following additional expenditures for a total request of \$1,043,756:
 - CVWD Project Management \$40,000
 - Environmental Compliance Support \$20,000
 - Contingency 10% - \$95,000

Approved by the following roll call vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

D. **Authorize the General Manager to sign the necessary Riverside Local Agency Formation Commission (LAFCO) documents to facilitate the Stonewater Development to be annexed from Coachella Valley Water District to the City of Coachella.**

Following a presentation by Elmer Alex, Asst. Director of Engineering Services & Planning, the Board discussed the annexation of Stonewater Development from CVWD to City of Coachella.

On a motion by Director Bianco second by Director Aguilar the Board approved and authorized the General Manager to execute necessary Riverside Local Agency Formation Commission (LAFCO) documents to facilitate the Stonewater Development to be annexed from Coachella Valley Water District to the City of Coachella in accordance with the Riverside LAFCo rules and regulations.

Approved by the following roll call vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None
Motion Passed: 5-0

E. **Approve Resolution No. 2022-02 and authorize the General Manager to sign documents related to the sale and issuance of Series 2022 Drinking Water System Revenue Notes for the interim financing of various projects for the Domestic Fund.**

Following a presentation by Geoffrey Kiehl, Director of Finance, the Board discussed a resolution authorizing the General Manager to sign documents related to the sale and issuance of Series 2022 Drinking Water System Revenue Notes.

On a motion by Director Aguilar second by Director Powell, the Board approved Resolution No. 2022-02 and authorized the General Manager to sign documents related to the sale and issuance of Series 2022 Drinking Water System Revenue Notes for the interim financing of various projects for the domestic fund.

Approved by the following roll call vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

F. **Approve Resolutions Updating the Authorized Banking Signatory for Coachella Valley Water District.**

Following a presentation by Geoffrey Kiehl, Director of Finance, the Board discussed resolutions updating the authorizing banking signatory for Coachella Valley Water District.

On a motion by Director Nelson second by Director Bianco, the Board approved the following resolutions updating the authorized banking signatory for Coachella Valley Water District:

- Resolution No. 2022-03, a Resolution Designating Authorized Representatives to Transfer Funds
- Resolution No. 2022-04, a Resolution for Union Bank Designating Authorized Representatives – Check signers
- Resolution No. 2022-05, a Resolution Us Bank Authorized Representatives – Banking Transactions of CVWD Monies
- Resolution No. 2022-06, a Resolution Riverside County TPIF Authorized Representatives – Investment Transactions of CVWD Monies

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
- Directors Nelson, Estrada, Bianco and Powell had no report.
 - Director Aguilar requested additional fiscal information on agenda staff reports.
- B. Meetings and Conference Reports
- i January 8, 2022 Water Education for Latino Leaders interview (Director Nelson)
 - ii January 13, 2022 Desert Valleys Builders Association Meeting (Director Powell)
 - iii January 18, 2022 Board Study Session (Directors Powell, Nelson, Aguilar and Bianco)
 - iv January 19, 2022 Disadvantaged Community Infrastructure Task Force Meeting (Directors Powell and Estrada)
 - v January 20, 2022 Desert Valley Builders Association January General Membership Luncheon (Director Powell)
 - vi January 21, 2022 Meeting with Berger Foundation regarding flood control issues (Directors Powell and Bianco)

Additional meetings reported

- vii January 5, 2022 Meeting with Pueblo Unido regarding additional mobile home parks in the eastern Coachella Valley with water issues (Director Estrada)
 - viii January 7, 2022 Interview with Water Education for Latino Leaders (WELL) and reception (Director Estrada)
 - ix January 8, 2022 Meeting with Water Education for Latino Leaders (WELL) Tour of Box Canyon Canal and San Jose Community Center (Director Estrada)
 - x January 11, 2022 Environmental Science Associates (ESA) Panel Practice Session for January 31 Making Waves Webinar (Director Estrada)
 - xi January 12, 2022 Second meeting with EPA and Supervisor Perez's office regarding additional mobile parks out of compliance.
 - xii January 13, 2022 Environmental Science Associates (ESA) Webinar: Making Waves Justice, Equity, and Inclusion in the Water Industry Panel Discussion (Director Estrada)
 - xiii January 24, 2022 Meeting of the Principals related to the Agua Caliente litigation (Directors Powell and Estrada)
- 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 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 numbers and vaccination status for CVWD employees.
- B. Counsel, Jeff Ferre stated there was no report today.
- C. Departments – None

13. CLOSED SESSION AGENDA

- A. 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
- 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. 5:13-cv-00883-JGB (SPx)
- C. 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
- D. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Government Code Section 54957
Title: General Manager

14. RECONVENE

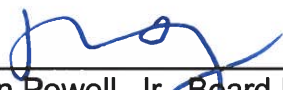
- A. Report out of Closed Session
President Powell reconvened the meeting into Open Session and reported the Board discussed items 13 B and 13C, with no reportable action. Items 13A and 13D were not discussed.

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 11:48 a.m. The next regular scheduled meeting will be on Tuesday, February 8, 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