

**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  
Palm Desert, CA

[www.cvwd.org](http://www.cvwd.org)

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

**February 08, 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 8:02 a.m., Tuesday, February 8, 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  
Director John Aguilar  
Director Anthony Bianco  
Director Peter Nelson arrived at 8:08 a.m.

*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 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**

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. Approved Minutes of the January 25, 2022 Regular Meeting of the Coachella Valley Water District Board of Directors Meeting.
- B. Approved and authorized the General Manager to execute a Sole Source Contract with GEI Consultants Inc., in the amount of \$113,117 for Hydrogeologist Services supporting the Coachella Canal Lining Project environmental mitigation measures

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

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

**AYES:** Powell, Bianco, Aguilar

**NOES:** None

**ABSENT:** Estrada, Nelson

**Motion Passed: 3-0**

**6. DISCUSSION OF ITEMS PULLED FROM CONSENT CALENDAR****7. INFORMATIONAL REPORTS**

- A. Written Communications Received – on file

**8. ACTION ITEMS**

- A. **Professional Service Agreements with six firms: Chambers, ECORP, ESA, NV5, Ultra Systems, and Wood for On-Call Environmental Consultant Services.**

Following a presentation by William Patterson, Environmental Services Supervisor, the Board discussed

***On a motion by Director Aguilar second by Director Bianco,*** the Board approved and authorized the General Manager to execute professional service agreements with six firms: Chambers, ECORP, ESA, NV5, Ultra Systems, and Wood for On-Call Environmental Consultant Services.

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

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

**NOES:** None

**ABSENT:** Estrada

**Motion Passed: 4-0**

B. **Authorization of funding for Coachella Valley Water District's share of preliminary design, environmental planning, and pre-construction costs for the Delta Conveyance Project for calendar years 2023 and 2024.**

Following a presentation by Robert Cheng, Assistant General Manager, the Board discussed CVWD's share of preliminary design, environmental planning, and pre-construction costs for the Delta Conveyance Project for calendar years 2023 and 2024.

***On a motion by Director Nelson second by Director Aguilar,*** the Board approved the following actions related to the Delta Conveyance Project (Conveyance Project):

- Approved funding request for Coachella Valley Water District's (CVWD) share of preliminary design, environmental planning, and pre-construction costs for the Delta Conveyance Project (Conveyance Project) for calendar years (CY) 2023 and 2024, in an amount not to exceed \$7,365,119
- Approved Amendment to the Class 8 Member Agencies Election Procedures for Delta Conveyance Authority Board of Directors
- Made determination that the actions are exempt from the California Environmental Quality Act (CEQA)

**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

- No reports

B. Meetings and Conference Reports

- i January 4, 2022 Agua Caliente Mediation Zoom meeting (Directors Powell and Estrada) \*continued for Director Estrada
- ii January 17, 2022 Discussion with Assistant GM Cheng regarding Colorado River Supplies (Director Nelson)
- iii January 26, 2022 Golf and Water Task Force meeting (Directors Powell and Bianco) \*continued for Director Bianco
- iv January 26, 2022 Zoom meeting with Colorado River Board Executive Director Chris Harris regarding upcoming meetings and planning February CRB meeting (Director Nelson)
- v January 27, 2022 Salton Sea Authority Board of Directors meeting (Director Estrada) \*continued for Director Estrada
- vi January 27, 2022 Legislative Committee meeting (Directors Estrada and Aguilar) \*continued for Director Estrada

- vii January 27, 2022 Discussion with Assistant GM Robert Cheng, and Special Counsel Steve Abbott regarding return flows (Director Nelson)
- viii January 28, 2022 Meeting with 7 Basin States, U.S. Department of Interior & Bureau of Reclamation Principals Meeting (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, Bianco, Aguilar, Nelson  
**NOES:** None  
**ABSENT:** Estrada  
**Motion Passed: 4-0**

## 10. STAFF REPORTS

- A. General Manager, Jim Barrett provided an update on COVID numbers.
- B. Counsel, Jeff Ferre had no report
- C. Departments – no report

## 11. 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. 5:20-cv-00174-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. 5:13-cv-00883-JGB (SPx)
- C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9 Two (2) Cases
- D. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Government Code Section 54956.9) Dos Santos De Sa & Zhang v. CVWD (Imperial County Superior Court Case No. ECU001562
- E. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Government

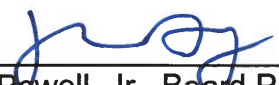
Code Section 54956.9) Araujo, Dos Santos, Carvalho v. CVWD (US District Court, Southern District Case No. 20 CV-1800-AJB LL)

- F. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Government Code Section 54956.9) AMAG, Inc., a California Corporation v. DDGC Holdings LTC., a California corporation, et al., Riverside County Superior Court Case No. CVPS2106042
  - G. PUBLIC EMPLOYEE PERFORMANCE EVALUATION Pursuant to Government Code Section 54957 Title: General Manager
  - H. 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, et al., Riverside Superior Court Case Number CVRI 2103373
  - I. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION Pursuant to Government Code § 54956.9 (a) Name of Case: Roberts v. Coachella Valley Water District, RIC 1905897
  - J. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION Pursuant to Government Code § 54956.9 (a) Name of Case: Roberts v. Coachella Valley Water District, PSC 2003606
- 12. RECONVENE**
- A. Report out of Closed Session  
President Powell reconvened the meeting into Open Session and reported there were no reportable actions.
- 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 11:51 a.m. The next regular scheduled meeting will be on Tuesday, February 22, 2022, at 8:00 a.m.



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Sylvia M. Bermudez, MMC  
Clerk of the Board



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